

PROCEEDINGS
OF THE
SOCIETY
OF
UNITED IRISHMEN,
OF
DUBLIN.

K



PHILADELPHIA:
PRINTED FOR THOMAS STEPHENS No. 57, SOUTH SECOND-STREET
BY JACOB JOHNSON, & Co.

1795.



TO
PIERCE BUTLER.

A SENATOR of the UNITED STATES of
AMERICA;
AN ENEMY of ARISTOCRACY,
AND A

Friend of Man :

WHO PREFERRED VIRTUE TO TITLES, HAS RELIN-
QUISHED THE DISTINCTIONS CONFERRED
ON THE HOUSE OF ORMOND,

TO PROMOTE THE DIGNITY OF HUMAN NATURE
And the CAUSE of EQUALITY;

The following proceedings of a band of his
Countrymen, who, not debased
BY SLAVERY,

Have preserved their

FREEDOM of MIND in the MIDST of CHAINS,
are inscribed by

THOMAS STEPHENS

No. 57, South Second Street.
March 3, 1795.

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Printed by J. G. Smith, 25, South Street, New York.
March 3, 1795.

ADVERTISEMENT.

IN the reception which the proposals for printing the following collection has met, the Editor is happy to find many of the most enlightened characters of America favourers of the undertaking.

The object of the society has been supposed to be the separation of their country from England, and the establishment of a republic, similar to that delineated in the constitution of our Gallic friends.—Whether this be true or not:—Measures which wrested the scourge from tyranny and lightened the shackles of three millions of men, measures which created a volunteer army, and which only for the desertion of the French Arnold, (Dumourier) would have effected a revolution, if they willed it:—In fine, writings which have diffused much light, and had a large share in preparing the public mind of Britain and Ireland, for the happy change which approaches, cannot be regarded with indifference.

America has a concern in the liberties of Europe. So long as the proportion of our territory to our population preserves us a nation of Agriculturists, and that we consume the manufactures of other countries, the *private interest of every individual, (all many and elevated motives apart)* should induce him to wish for the freedom of those with whom we hold commercial intercourse:—Artisans and merchants exempted from the overwhelming burden of poor-rates, imposts, tithes, rents, and taxations could afford the produce of their labour and the articles of their traffick on terms lower than can at present be calculated.

The papers herein contained come down as far as the end of last March.—It is intended, if possible, to procure those which have been issued by the society since that period, and publish them in conjunction with those of its affiliated associations in a second volume.

A book, containing most of these papers, was last year printed in Dublin, but seized (as the Editor is informed) previous to publication, by that government, which, conscious of guilt, dreads investigation; and, knowing its existence can only be protracted through the ignorance of the people, adopts the policy of Omar in persecuting the productions of reason.

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March 3, 1795.

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* The presenting this Address and recommending it to the attention of the Scottish Patriots, were among the principal charges adduced against Thomas Muir on his trial.

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† For the supposed distribution of this address, an information ex officio was filed against Archibald Hamilton Rowan, Esq. and he was sentenced to pay a fine of 500l. and to be imprisoned for two years, commencing 29th January 1794. See the report of the trial.

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propose to receive, is there an Irish Man will
 say, that the House of Commons have the smallest re-
 spect for the People, or believe themselves their
 legitimate Representatives?--The fact is, that the
 great Majority of that House, consider themselves as
 the Representatives of their own Money, or the
 property of the House of Commons, and not of the
 People.

UNITED IRISHMEN.

EAGLE, Exchange-street, 9th November, 1791.

AT A MEETING OF THE SOCIETY OF UNITED IRISHMEN.

DUBLIN;

The Hon. SIMON BUTLER in the Chair.

The following was agreed to:

WHEN we reflect how often the Freemen and
 Freeholders of Dublin have been convened, humbly
 to express their Grievances to Parliament--how of-
 ten we have solicited the enactment of good, and the
 repeal of bad Laws--how often, for successive years,
 they have petitioned against the obnoxious and un-
 constitutional Police Act, and how often all these
 applications have been treated with the most perfect
 contumacy and contempt.---When these facts are

brought to recollection, is there an Honest Man will say, that the House of Commons have the smallest respect for the People, or believe themselves their Legitimate Representatives ?---The fact is, that the great Majority of that House, consider themselves as the Representatives of their own Money, or the hired servants of the English Government, whose Minister here, is appointed for the sole purpose of dealing out corruption to them---at the expence of Irish Liberty, Irish Commerce, and Irish Improvement---This being the case, it naturally follows, that such Minister is not only the representative of the English Views against this country, but is also *The sole representative of the People of Ireland.* To elucidate which assertion, it is only necessary to ask, whether a single question in favour of this oppressed Nation can be carried without HIS Consent ?--and whether any measure, however, inimical, may not through HIS influence be effected ?

IN this state of abject Slavery, no hope remains for us, but in the sincere and hearty *Union of all the People*, for a compleat and radical reform of Parliament : because it is obvious, that *one Party alone* have been ever unable to obtain a single Blessing for their Country ; and the Policy of our Rulers has been always such, as to keep the different Sects at variance, in which they have been but too well seconded by our own folly.

FOR the attainment then of this great and important object--for the removal of absurd and ruinous distinctions--and for promoting a compleat Coalition of the People--a Society has been composed of all religious Persuasions, who have adopted for their Name, --- **THE SOCIETY OF UNITED IRISHMEN OF DUBLIN,**---and have taken as their

DECLARATION,

That of a similar Society in BELFAST, which is as follows :

" IN the present great æra of reform, when unjust Governments are falling in every quarter of Europe : when religious persecution is compelled to abjure her tyranny over conscience ; when the Rights of Men are ascertained in theory, and that theory substantiated by practice : when antiquity can no longer defend absurd and oppressive forms against the common sense and common interests of mankind ; when all Government is acknowledged to originate from the People, and to be so far only obligatory as it protects their rights and promotes their welfare ; we think it our duty as Irishmen, to come forward, and state what we feel to be our heavy grievance, and what we know to be its effectual remedy.

WE HAVE NO NATIONAL GOVERNMENT.--- We are ruled by Englishmen and the servants of Englishmen ; whose object is the interest of another country ; whose instrument is corruption ; whose strength is the weakness of Ireland ; and these men have the whole of the power and patronage of the Country, as means to seduce and subdue the honesty and the spirit of her Representatives in the Legislature. Such an extrinsic power, acting with uniform force in a direction too frequently opposite to the true line of our obvious interests, can be resisted with effect solely by *unanimity, decision, and spirit in the People* ; qualities which may be exerted most legally, constitutionally and efficaciously, by that great measure essential to the prosperity and freedom of Ireland, AN EQUAL REPRESENTATION OF ALL THE PEOPLE IN PARLIAMENT.

" WE do not here mention as grievances the rejection of a Place-bill, of a Pension-bill, of a Responsibility-bill ; the sale of Peerages in one house ; the corruption publickly avowed in the other : nor the notorious infamy of Borough traffic between both ; not that we are insensible of their enormity, but that we consider them as but symptoms of that mortal disease which corrodes the vitals of our Constitution, and leaves to the people in their own Government but the shadow of a name.

IMPRESSED with these sentiments we have agreed to form an Association, to be called, **THE SOCIETY OF UNITED IRISHMEN** : and we do pledge ourselves to our Country, and mutually to each other, that we will steadily support and endeavour by all due means to carry into effect the following resolutions :

" I. Resolved, That the weight of English influence in the Government of this Country, is so great as to require a Cordial Union among **ALL THE PEOPLE OF IRELAND**, to maintain that balance which is essential to the preservation of our Liberties, and the extension of our Commerce.

" II. That the sole constitutional mode by which this influence can be opposed, is by a complete and radical reform of the Representation of the People in Parliament.

" III. That no Reform is practicable, efficacious or just, which shall not include *Irishmen* of every Religious Persuasion.

" Satisfied as we are, that the intestine divisions among Irishmen, have too often given encouragement and impunity to audacious and corrupt administrations in measures which, but for these divisions they durst not have attempted, we submit our Resolutions to the Nation, as the basis of our Political Faith.

" We have gone to what we conceive to be the root of the evil ; we have stated what we conceive to be the remedy.---With a Parliament thus reformed, every thing is easy ; without it, nothing can be done. And we do call on, and most earnestly exhort our Countrymen in general to follow our example, and form similar societies in every quarter of the Kingdom for the promotion of constitutional knowledge, the abolition of bigotry in religion and politics, and the equal distribution of the Rights of Man through all the Sects and Denominations of Irishmen.

" The people when thus collected will feel their own weight, and secure that power which theory has already admitted as their portion, and to which if they be not aroused by their present provocations to vindicate it, they deserve to forfeit their pretensions **FOR EVER.**

JAMES NAPPER TANDY, Secretary.

CONSTITUTION

OF THE

SOCIETY OF UNITED IRISHMEN.

Of the CITY of DUBLIN.

THE Society is constituted for the purpose of forwarding a brotherhood of affection, an identity of interests, a communion of rights, and an union of power, among Irishmen of all religious persuasions, and thereby obtaining an impartial and adequate representation of the Nation in Parliament.

The members of this Society are either ordinary or honorary.

Such persons only are eligible as honorary members, who have distinguished themselves by promoting the liberties of mankind, and are not inhabitants of Ireland.

Every candidate for admission into the Society, whether as an ordinary or honorary member, shall be proposed by two ordinary members, who shall sign a certificate of his being from their knowledge of him, a fit person to be admitted....that he has seen the test, and is willing to take it : This certificate delivered to the Secretary, shall be read from the Chair at the ensuing meeting of the Society ; and on the next subsequent night of the meeting the Society shall proceed to the election....The names and additions of the candidate, with the names of those by whom he has been proposed, shall be inserted in the summons for the night of election. The election shall be conducted by ballot, and if one fifth of the number of beans be black, the candidate stands rejected. The election with respect to an ordinary member, shall be void, if he does not attend within four meetings afterwards, unless he can plead some reasonable excuse for his absence.

Every person elected a member of the Society whether honorary or of ordinary, shall previous to his admission, take and subscribe the following TEST :

I A. B. in the presence of God, do pledge myself to my country, that I will use all my abilities and influence in the attainment of an impartial and adequate representation of the Irish nation in Parliament ; and as a means of absolute and immediate necessity in the establishment of this chief good of Ireland, I will endeavour as much as lies in my ability, to forward a brotherhood of affection, an identity of interests, a communion of

rights, and an union of power among Irishmen of all religious persuasions; without which every reform in Parliament must be partial, not national, inadequate to the wants, delusive to the wishes, and insufficient for the freedom and happiness of this country.

A member of another society of United Irishmen being introduced to the President, by a member of this Society, shall upon producing a certificate signed by the Secretary, and sealed with the seal of the Society to which he belongs, and taking the above mentioned test, be thereupon admitted to attend the sittings of this Society.

The officers of the Society shall consist of a President, Treasurer and Secretary, who shall be severally elected every three months, viz. on every first night of meeting in the months of November, February, May and August: the election to be determined by each member present writing on a piece of paper the names of the objects of his choice, and putting it into a box—The majority of votes shall decide—If the votes are equal, the President shall have a casting voice. No person shall be capable of being re-elected to any office for the quarter next succeeding the termination of his office. In case of any occasional vacancy in any office by death or otherwise, the Society shall on their next night of meeting, elect another person to the same for the remainder of the quarter.

The Society shall meet on every second Friday night—oftener if necessary--The chair shall be taken at eight o'clock from the 20th September to 25th of March and at nine o'clock from 25th March the 20th of September. Fifteen members shall form a quorum. No new business shall be introduced after ten o'clock.

Every respect and deference shall be paid to the

President---his chair shall be raised three steps above the seats of the members---the Treasurer and Secretary shall have seats under him, two steps above the seats of the members. On his rising from his Chair and taking off his hat, there must be silence and the members seated. He shall be judge of order and propriety, be impowered to direct an apology, and to fine refractory member in any sum not above one Crown.---If the member refuse to pay the fine, or make the apology, he is thereupon expelled from the Society.

There shall be a Committee of Constitution, of Finance, of Correspondence, and of Accommodation. The Committee of Constitution shall consist of nine members, that of Finance seven members, and that of correspondence five members.---Each committee shall, independant of occasional reports, make general reports every quarterly meeting. The Treasurer shall be under the direction of the Committee of Finance, and the Secretary under the direction of the Committee of correspondence. The election for Committees shall be every quarterly meeting, and decided by the majority of votes.

In order to defray the necessary expences, and establish a fund for the use of the Society, each ordinary member shall on his election pay to the Treasurer, by those who proposed him, one Guinea admission fee, and also one Guinea annually, by half yearly payments, on every first night of meeting in November and May; the first payment thereof to be on the first night of meeting in November 1792. On every quarterly meeting following, the names of the defaulters, as they appear in the treasury-book, shall be read from the Chair---If any member after the second reading neglect to pay his subscription, he shall be excluded the Society, unless he can shew some reasonable excuse for his default.

The Secretary shall be furnished with the following seal, viz. a Harp---at the top "*I am new string;*" at the bottom "*I will be heard;*" and on the exergue "*Society of United Irishmen of Dublin.*"

No motion for an alteration of, or addition to the constitution shall be made but at the quarterly meetings, and notice of such motion shall be given fourteen days previous to those meetings.---If upon such motion the Society shall see ground for the proposed alteration or addition, the same shall be referred to the proper committee, with instructions to report on the next night of meeting their opinion thereon; and upon such report the question shall be decided by the Society.

Friday, 5th December, 1791.

**SOCIETY of UNITED IRISHMEN of
DUBLIN.**

The Hon. SIMON BUTLER in the Chair.

Resolved, unanimously, *That the following Circular Letter, reported by our Committee of Correspondence, be adopted and printed.*

THIS Letter is addressed to you from the Corresponding Committee of the Society of United Irishmen of Dublin.

We annex the Declaration of Political Principles which we have subscribed, and the Test which we have

taken, as a social and sacred compact to bind us more closely together.

The object of this Institution is to make an United Society of the Irish Nation : to make all Irishmen—Citizens ;—all Citizens—Irishmen ; nothing appearing to us more natural at all times, and at this crisis of Europe more seasonable, than that those who have common interests, and common enemies, who suffer common wrongs, and lay claim to common rights, should know each other, and should act together. In our opinion ignorance has been the Demon of discord, which has so long deprived Irishmen, not only of the blessings of well regulated government, but even the common benefits of civil society. Peace in this island has hitherto been a peace with the principles and the consequences of civil war. For a century past there has indeed been tranquility, but to most of our dear Countrymen it has been the tranquility of a dungeon ; and if the land has lately prospered, it has been owing to the goodness of Providence, and the strong efforts of Human Nature resisting and overcoming the malignant influence of a miserable administration.

To resist this influence, which rules by discord and embroils by system, it is in vain to act as individuals or as parties ;—It becomes necessary by an union of minds, and a knowledge of each other, to will and to act as a nation. To know each other is to know ourselves—the weakness of one and the strength of many. Union, therefore, is power—it is wisdom—it must prove liberty.

Our design, therefore, in forming this Society, is to give an example, which, when well followed, must collect the public will, and concentrate the public power, into one solid mass ; the effect of which once put in motion, must be rapid, momentous, and consequential.

In thus associating we have thought little about our ancestors—much of our posterity. Are we forever to walk like beasts of prey, over fields which these ancestors stained with blood? In looking back, we see nothing on the one part but savage force succeeded by savage policy; on the other an unfortunate nation “scattered and peeled, meted out and trodden down!” We see a mutual intolerance, and a common carnage of the first moral emotions of the heart, which lead us to esteem and place confidence in our fellow-creatures. We see this, and are silent. But we gladly look forward to brighter prospects—to a People united in the fellowship of freedom—to a Parliament the express image of that People—to a prosperity established in civil, political, and religious Liberty—to a Peace—not the gloomy and precarious stillness of men brooding over their wrongs, but that stable tranquility which rests on the rights of human nature, and leans on the arms by which these rights are to be maintained.

Our principle rule of conduct has been, to attend to those things in which we agree, to exclude from our thoughts those in which we differ. We agree in knowing what are our rights, and in daring to assert them. If the rights of men be duties to God, we are in this respect of one religion. Our creed of civil faith is the same. We agree in thinking that there is not an individual among our millions whose happiness can be established on any foundation so rational and so solid, as on the happiness of the whole community.—We agree, therefore, in the necessity of giving political value and station to the great majority of the people; and we think that whoever desires an amended Constitution, without including the great body of the people, must on his own principles be convicted of political persecution, and political mo-

naphys. If the present electors be themselves a morbid part of our constitution, where are we to recur for redress but to the whole community? A more unjust and absurd constitution cannot be devised, than that which condemns the natives of a country to perpetual servitude, under the arbitrary dominion of strangers and slaves.

We agree in thinking, that the first and most indispensable condition of the laws in a free state, is the assent of those whose obedience they require, and for whose benefit only they are designed. Without therefore, an impartial and adequate Representation of the community, we agree in declaring, We can have no constitution—no Country—no Ireland. Without this, our late revolution we declare to be fallacious and ideal: a thing much talked of, but neither felt nor seen. The act of Irish sovereignty has been merely carried out of the English Houses into the Cabinet of the Minister; and nothing remains to the People, who of right are every thing, but a servile Majesty and a ragged Independence.

We call most earnestly on every great and good Man, who at the late era spoke or acted for his Country, to consider less of what has been done, than of what remains to do. We call upon their senatorial wisdom to consider the monstrous and immeasurable distance which separates, in this island, the ranks of social life, makes labour ineffectual, taxation oppressive, and divides the nation into petty despotism and public misery. We call upon their tutelary genius, to remember, that government is instituted to remedy, not to render more grievous the natural inequality of mankind, and that unless the rights of the whole community be asserted, anarchy (we cannot call it government) must continue to prevail, where the strong tyrannize, the rich oppress, and the mass

are brayed in a mortar. We call upon them, therefore, to build their arguments and the actions on their broad platform of general good.

Let not the rights of nature be enjoyed merely by connivance, and the rights of conscience merely by toleration. If you raise up a prone people, let it not be merely to their knees. Let the nation stand. Then will it cast away the bad habit of servitude, which has brought with it indolence, ignorance, an extinction of our faculties, an abandonment of our very nature. Then will every right obtained, every franchise exercised, prove a seed of sobriety, industry, and regard to character, and the manners of the people will be formed on the model of their free constitution.

This rapid exposition of our principles, our object, and our rule of conduct, must naturally suggest the wish of multiplying similar societies, and the propriety of addressing such a desire to you. Is it necessary for us to request, that you will hold out your Hand, and open your heart to your Countrymen Townsmen, Neighbours?—Can you form a hope for political redemption, and by political penalties, or civil excommunications, withhold the Rights of Nature from your Brother? We beseech you to rally the Friends of Liberty within your circle round a Society of this kind as a centre. Draw together your best and bravest thoughts, your best and bravest men. You will experience, as we have done that these Points of Union will quickly attract numbers, while the assemblage of such Societies, acting in concert, moving as one body, with one impulse and one direction, will, in no long time, become not parts of the nation, but the nation itself; speaking with its voice, expressing its will, resistless in its power. We again entreat you to look around for Men fit to form those stable

supports on which Ireland may rest the Lever of Liberty. If there be but ten, take those ten. If there are but two, take those two, and trust with confidence to the sincerity of your intention, the justice of your cause, and the support of your Country.

Two objects interest the nation—A Plan of Representation—and the means of accomplishing it.—These societies will be a most powerful means. But a popular Plan would itself be a means for its own accomplishment. We have therefore to request that you will favour us with your ideas, respecting the Plan which appears to you most eligible and practicable, on the present more enlarged and liberal principles which actuate the People; at the same time giving your sentiments of our National Coalition, on the means of promoting it, and on the political state and disposition of the country or town where you reside. We know what resistance will be made to your patriotic efforts by those who triumph in the disunion and degradation of their Country. The greater the necessity for reform the greater probably will be the resistance. We know that there is much spirit that requires being brought into mass, as well as much massy body that must be refined into spirit. We have many enemies, and no enemy is contemptible. We do not despise the enemies of the Union, the Liberty and the Peace of Ireland, but we are not of a nature, nor have we encouraged the habit of fearing any Man, or any body of Men, in an honest and honourable cause. In great undertakings like the present, we declare that we have found it always more difficult to attempt than to accomplish. The people of Ireland must perform all that they wish, if they attempt all that they can.

Signed by Order,

JAMES NAPPER TANDY, Sec.

To whom Letters on this subject are to be addressed.

February 25, 1792.

SOCIETY OF UNITED IRISHMEN OF

DUBLIN.

ARCHIBALD HAMILTON ROWAN,

*Esq. in the Chair ;**(The Hon. Simon Butler having been, from motives of personal delicacy, requested to leave it.)*

RESOLVED UNANIMOUSLY,

- I. **T**HAT the exercise of undefined privilege is as dangerous to the Liberty of the Subject, as the exercise of unlimited prerogative and equally unrecognized by the true spirit of the Laws and Constitution.
- II. That having associated for the attainment of great national objects, and to promote union among Irishmen of all religious persuasions, this Society is entitled to the respect, which objects of such importance naturally claim.
- III. That *an insolent menace* having been publicly thrown out, respecting this Society, We think it incumbent on us to declare that we do not shrink from, but anxiously desire to meet any constitutional enquiry into our principles and conduct : and reserving for that occasion the justification of our actions, we resign to merited contempt, *the scorn of official station, or the scoff of unprincipled venality.*
- IV. That five thousand Copies of our Declaration and Circular Letter, with these resolutions be

printed and distributed by our Committee of Correspondence.

By order of the Society,

THEO. WOLFE TONE, *Pro. Sec.*

To the SOCIETY of UNITED IRISHMEN in
BELFAST.

PROMPTED by duty as well as inclination to make always an early answer to your Letters, our delay in the present Instance was at first occasioned by trivial circumstances, made important merely by their Number; but latterly has been owing to a simple and a serious cause.—The compelled absence of our secretary Mr. NAPPER TANDY, a man who with an erect Mind, and an honest Heart, has during a long course of Years, stem'd the torrent of corruption, in a corrupt City; who even at the Risk of his Popularity the sole reward of a Life spent in the public service, entered with ardour into your scheme of coalescing all religious Persuasions in the Unity of a common cause; and who, if he now suffers, has the consolation to think that he suffers in common with Magna Charta. The fundamental principles of the Constitution are violated in his Person; the personal Liberty of the subject is laid prostrate at the mercy of a resolution of one branch of Legislature, the *privilegium* becomes equivalent to an act of Legislation; Proclamation foreruns law, anticipates its Judgment and Magna Charta is thus crucified between the two thieves of the Common Right, Privilege on the one

hand, and Prerogative on the other. While we are thinking of Elective Franchise and Political Power, let us take heed that we are not losing even civil Liberty, and that a custom of Parliament does not operate as a real Lettre de Cachet, against personal security and freedom. Whether the Jurisdiction which the House of Commons, has over its own members, or the privileges which shield them from the abuse of Prerogative, should be converted into an omnipotent instrument of ministerial Vengeance against the people, stretching his arm across the Nation, and suspending the natural process of Law, (all crimes being cognizable in their proper courts) whether such a power not founded on any Principle, not defined by any rule, and justified only by occasional practice, be consistent with the Liberty of the Nation, the sacred trial by jury, the law of the land, judge ye! We shall only ask what is tyranny but the oppressive and injurious exertion of unconstitutional and indefinite Authority, where they who do injustice commit it with Impunity, and he who suffers it, is without Redress, however Innocent he may be, however meritorious. We join with you in thinking that the reciprocal admission of members subject to the Regulations you mention would serve to draw the bonds of political Brotherhood more closely between our Societies, and the adoption of such a seal as you have described has the stamp of our approbation.

February 28th 1792.

Friday, March 30, 1792.

SOCIETY of UNITED IRISHMEN.

The Hon. SIMON BUTLER in the Chair.

The following Letter was read from the chair.

My Dear Sir,

I HAVE to request that you will be so good as to lay the following circumstances before the Society of United Irishmen, as the cause of my Absence from that most respectable Body.

On the 22d Day of Feb. last, a complaint having been made to the House of Commons by one of its members, of a Breach of Privilege committed by me, the House without summoning me to answer the complaint, ordered that I should be immediately taken into Custody of the Serjeant at Arms, and brought forthwith to the bar of the House. The Serjeant at Arms informed the House, that he had dispatched three of the Messengers attending the House to execute the Order for taking me into his Custody : one of whom being brought to the Bar, informed the House, that he went to the house of Mr. James Tandy, in Chancery-lane, where he arrested me, and shewed me the Warrant, and his Authority ; that I went into a parlour, as if for my hat, but shut the Door, and made my escape, as he supposed, through a Window. The House then resolved, that I, having been arrested by a Warrant from Mr. Speaker, issued by the order of the House, and having made my Escape from the Officer of the House who arrested me, was guilty of a gross Violation of the Privileges of the House, and resolved that an humble Address be presented to the Lord

Lieutenant, that he would be graciously pleased to direct, that a Proclamation might issue for apprehending me, with a promise of Reward for the same, and that said Address be forthwith presented to the Lord Lieutenant by such Members of the House as were of his Majesty's Most Hon. Privy Counsel. The Address having been accordingly presented by the house to the Lord Lieutenant, a Proclamation was instantly issued by the Lord Lieutenant and Counsel for apprehending me, with a Promise of Reward for the same. The Proclamation recites the information given to the house by the Serjeant at Arms and Messenger, and the resolution of the house, subsequent to the same, but does not set forth the original complaint, or the order in consequence thereof; but directs the Person who should apprehend me, to carry me before some of the Justices of the Peace, or Chief Magistrates of the county town, or place where I should be apprehended, who are respectively required to secure me, and thereof give speedy Notice to the Speaker of the House, the Serjeant at Arms attending the said House, and to the Clerk of Council, to the End that I might be forthcoming to be dealt with or proceeded against according to Law; and for Prevention of my escape to parts beyond Seas, it commands all Officers of the Customs, and other Officers and Subjects of and in the respective ports of maritime Towns and Places in the Kingdom, to be careful and diligent in the examination of all Persons who shall pass or endeavour to pass beyond the seas; and it also strictly commands all persons, as they will answer the contrary at their Perils, not any ways to conceal, but to discover me, to the End that I may be secured.

I have the Honour to be,

Dear Sir,

Very truly and sincerely yours,

JAMES NAPPER TANDY.

March

26, 1792

P. S. I enclose you the Proclamation and Votes.
*To the Hon. Simon Butler, President
 Society of United Irishmen.*

The foregoing Letter was ordered to be entered
 on the Journals of the society.

Resolved, unanimously, That the Power assumed by
 the House of Commons to order the Serjeant at Arms
 to take into custody a subject of this Realm, not a
 member of that house, upon a complaint made by one
 of its Members, of a Breach of Privilege, without
 summoning the Party complained of, to answer the
 complaint is unwarranted by the Laws of the Land.

Resolved, unanimously, That the Proclamation issued
 in this case is not warranted by Law.

Resolved, unanimously, That the Liberty of the sub-
 ject is violated in the person of Mr. Tandy, that his
 cause must now be considered as that of the Public,
 and brought forward to receive a judicial Decision.

Resolved, unanimously, That a committee of Secrecy
 be appointed to carry the last mentioned Resolution
 into Effect, and impowered to draw upon the Trea-
 surer such sums as it may require for that Purpose.

Signed by Order,

THEO. WOLFE TONE, *Pro. Sec.*

September 14th. 1792.

SOCIETY OF UNITED IRISHMEN OF

DUBLIN.

The Hon. SIMON BUTLER in the Chair.

THE FOLLOWING

A D D R E S S

was unanimously agreed to from this society

TO THE NATION.

WE observe with concern and indignation the insidious means employed to stifle the Catholic Voice in its humble representation of the Grievances which afflict the people, and of the Remedy specified to redress them. We lament that men of any pretensions to common sense and public spirit should have been blindly seduced into the publication of the most flagrant absurdities, calumnies, and libels, against the most oppressed, patient, and numerous description of our Fellow Citizens. That such publications should have issued from the Grand-Jury-Room cannot be matter of surprize. Since the nomination of Sheriffs has been transferred from the people to the Crown, Grand Juries, which are returnable by these officers, have lost their original character of independence, and are now notoriously subordinate to Aristocratic Intrigue and Ministerial Corruption. As therefore these ancient bodies, which should be the sacred Organs of Truth, as well as the Guardians of the Constitution, have in this instance degenerated into instruments of prejudice and civil dissension, we feel it a duty which we owe to public

justice as well as to our country, to appeal from the unjust sentence of a few influenced men to the Tribunal of a rational Nation.

It appears that a small dispersed number of Individuals of the Catholic persuasion, without authority from the body at large, were, in the course of last Session, cajoled into the measure of presenting an eleemosynary Address to Government, and this was craftily made the vehicle of some obscure and ill-founded censure upon the constitutional conduct of the Catholic Committee. The embarrassment occasioned by this stale artifice determined the Committee to obtain an unequivocal expression of the Catholic sentiment; and with this view they printed, published, and circulated throughout Ireland several thousand copies of a Letter submitting to the Catholic people a Plan for electing Delegates to the General Committee: a Plan at once the most simple, orderly, and the best calculated for framing an unquestionable organ of public opinion. The Letter solicits the attendance of Delegates appointed for the express purpose and with the express instruction of IMPLORING and SUPPLICATING from the Legislature and the Sovereign a participation in the Elective Franchise and the benefit of the Trial by Jury.—It is worthy of remark; that this Letter is utterly silent upon the ground of constitutional right, and never states this application as intended to be made upon any other principle than as a necessary means of securing to the Catholics an equal access to Leasehold Property and a fair Distribution of Justice.—Upon this proceeding, so simple, and so obviously conformable to the fundamental Principles of Law and Constitution, Pettifogging Chicane, sitting in council with Bigotry and Nonsense, having *ingeniously* discovered that the Letter was circulated with great secrecy, pronounces the publication to be of a most dangerous, seditious,

and inflammatory tendency--the phantom of a Polish Congress is raised--the scare-crow image of a French National Assembly is conjured up--the vision of a Gun-powder plot appears--and the suppliant Committee of an enslaved people is identified with Sovereign Legislative Bodies.

We say "enslaved", for it will not be denied that people are enslaved, who being excluded from all share in the Legislature of their country, are nevertheless subject to Laws and Taxes imposed on them without their consent.--"Law to bind all must be assented to by all."--It is not in a system of extirpation by penal laws--it is in the free agency of the people that we are to seek for the true permanent principle of a free and prosperous government.--The man who says that a political constitution can be upheld by penal laws, may say that the human constitution can be nourished by the use of slow poison.

Where so small a portion of so large a mass exercises the Elective Franchise, and a decided majority of that small portion forms the notorious property of a venal Aristocracy, we consider the Elective Body of the people as nothing more than the semblance of a larger Species of Corporation.--Hence, that political Ignorance, that selfish spirit of monopoly, that jealous hostility to the general happiness, which must ever characterise these avaricious retailers of freedom, have also infected a great number of the Elective Body of the nation.

Hirelings, whom we have at all prices, cry out, THAT THE CATHOLICS PREFER THEIR COMPLAINTS TO A STILE OF DEMAND--Such language could not have been uttered in a FREE land; it is the insolent station of despotism; its authors may wish for fellow slaves, but we wish for fellow citizens. The

Catholics have ever addressed the Legislature with due respect; their submissive conduct is unquestionable; but in our mind they only shew themselves worthy of their rights, when they reclaim them.

Is it meant to deny them the right of petitioning? — To question their right of meeting peaceably for that purpose amounts to such a denial. This would be a false as well as a most mischievous doctrine; for it would necessarily throw the subject upon the alternative of violence. — He must either suffer or resist; — and of course he must silently sink under Despotism or break out into Anarchy. — When the *Innocent* are punished by law, the severity of Negro-servitude alone could preclude them from the right of petitioning.

If the charges made against the Catholic Committee were founded in truth, Grand Juries, under the obligations of their oath and public stations, should have presented them — if false, then have grand Grand Juries been guilty of defamatory libels.

What security do we require of our Catholic brethren? — Political mistrust has not yet devised a test, which they have not cheerfully taken. They disclaim all those abominable principles inconsistent with good government which have been falsely imputed to them by those whose monopoly was sustained by the divisions of their country. They avow their support of the church establishment. They are even willing to worship that new born Chimera, "The Protestant Ascendency," provided the jealous Idol may be appeased without the sacrifice of the Elective Franchise and the Trial by Jury. Popery is no longer to be met with, but in the statute book. The Catholics stand before us as *Political Protestants*, for they protest against the errors of the State, and endeavour to establish the *Reformation* of the Constitution.

Will the men who suborn this upstart zeal for the integrity of the Constitution, submit their labours for its preservation during some years past to a candid and critical examination—Short is the catalogue of *their* services—what has signalized their political career? What, but an uniform exertion to flist all efforts for the establishment of Irish freedom.—Indignant at the odious review, and the treacherous consistency of their present conduct, we gladly turn away to acknowledge with pride, that the virtuous founder of the Revolution of 1782 is also the leader in the great patriotic work of this day.

As for our part, associated for the attainment of universal emancipation and representative Legislature, we cannot separate our duty to our country from our duty to our countrymen. The grievances they suffer are the grievances of the nation; the relief they solicit is the relief of the nation; and as the only true policy of states as well as of individuals is Justice, we cherish the grateful hope that the rising spirit of Union in a liberal age is the harbinger of its triumph.

Signed by Order,

THOMAS WRIGHT, Sec.

UNITED IRISHMEN OF DUBLIN.

The Hon. SIMON BUTLER in the Chair.

THE *Society of United Irishmen in Dublin*, address the *Friends of the People at London*. Impressed with the resemblance of the title, nature and destination of their respective institutions; and acting under that fraternity of feeling, which such a coincidence naturally inspires. The title which you bear is a glorious one, and we too are the *Friends of the People*. If we be asked, "who are the People?" we turn not our eyes here and there, to this party, and to that persuasion, and cry, "Lo! the people; but we look around us without partiality or predilection, and we answer, the multitude of human beings, the living mass of humanity associated to exist, to subsist, and to be happy. In them, and them only, we find the original of social authority, the measure of political value, and the pedestal of legitimate power.

As friends of the People, upholding their rights, and deploring their sufferings, the great object of this Society is a real representation of the Irish Nation in an Irish Parliament; and as friends of the whole People, we support the necessity of Catholic emancipation as a means of making representation what it ought to be, Free, Equal, and Entire. If the people of one country be not obliged to obey the laws of another, on the same principle when the people resident in a country, have no sort of influence over the legislature, that legislature will receive rather a discretionary acquiescence than legitimate obedience; and as this discretionary state is dangerous, because precarious, a change becomes necessary for

the peace and happiness of the nation, violence being the last measure to which rational beings will resort.

The present state of Ireland with regard to Population is upwards of four millions, three of which are of the Catholic Religion ; and with regard to Political freedom.

1. The state of *Protestant* representation is as follows : 17 Boroughs have no resident elector ; 16 have but one ; 16 have from 2 to 5 ; 90 have 13 electors each ; 90 persons return for 106 venal boroughs, that is 212 members out of 300, the whole number. 54 Members are returned by five noblemen and four bishops, and borough influence has given landlords such power in the counties as makes them boroughs also---53 peers nominate 124 members, and influence 10, so that 228 are returned by 105 individuals, leaving only 72 out of 300 to the free election of the people. One lord who nominates 4 Members, is not a peer of Ireland, and eleven Lords who are Irish Peers, are absentees, and spend their fortunes out of the realm ; to the representation of which they send their commands and are obeyed, notwithstanding two solemn votes of the Commons against this high infringement of their Liberties and Privileges. In short, representation, which in its nature is only a deposit, has been converted into a property, and that constitution which is founded on equal liberty, and which declares that no tax shall be levied without the "good will" of the people, is totally perverted in its principles and corrupted in its practice ; yet the majesty of the people is still quoted with affected veneration ; and if the crown be ostensibly placed on a part of the Protestant portion, it is placed in mockery, for it is encircled with thorns.

2. With regard to the *Catholics*, the following is

the simple and sorrowful fact : Three millions, every one of whom has an interest in the state, and collectively give it its value, are taxed without being represented, and bound by laws to which they have not given consent. They now require a share of political liberty, in the participation of the Elective Franchise, and of civil liberty in the privilege of serving on Grand Juries. There can be no civil without political liberty, and in requiring the right of suffrage they in reality demand only a safeguard for their religion, their property and their lives.

The code of penal laws against the Catholics reduced oppression into a system : The action and pressure of this system, continually accumulating without any re-action on the part of the sufferers, sunk in the lethargy of servitude, have confirmed the governing portion of the people in a habit of domination. This *Habit*, mixing with the antipathies of past times, and the irritations of the moment, has impressed a strange persuasion, that the rights of the plurality are Protestant property, and that the birth-right of millions, born and to be born, continue the spoils of war and booty of conquest. The perversion of the understanding perverts the heart, and this Protestant ascendancy, as it calls itself, uniting power with passion, and hating the Catholics because it has injured them, on a bare inquisitorial suspicion, insufficient to criminate an individual, would erase a whole people from the roll of citizenship, and for the sins (if they were sins) of remote ancestors would attain their remotest posterity. We have read, and read with horror, that Louis 11th, ordered the children to be placed under the scaffold where the father was beheaded, that they might be sprinkled with his blood.

It is, we think, by this unequal distribution of popular privilege, that its very nature has, in this kingdom, been corrupted, and from the moment

that equality of rights was overturned, and general liberty became particular power, the public mind has been split into a conflict of factions. General distribution of the elective franchise would make corruption impracticable, but when common right becomes the property of person, party, or persuasion, it acquires a value equally unnatural and unconstitutional; is bought and sold; rises or falls, like any marketable commodity. The deprivation of the elective franchise, on the one hand, robs a great majority of the nation of an invaluable blessing; and its accumulation in the hands of the protestant portion, operates on that very portion as a curse. The right of all, heaped up and hoarded by the few, becomes a public pest, and the nutriment of the constitution is changed into its poison. The iniquitous monopoly rots in boroughs; spreads its contagion through counties; taints morals and manners; makes elections mere fairs for the traffic of franchise and the sale of men; in place of that nationality of mind which spreads its parental embrace around a whole people, substitutes the envious, excluding spirit of selfish corporations; and swelling, at length, into monstrous and gigantic ascendancy, holds forth a hundred thousand hands to bribe and betray, and tramples with a hundred thousand feet on those miserable millions who have lost their only guarantee against injustice and oppression.

Instructed by the Genius of the Constitution, and the genuine Spirit of the Laws; instructed of late, by all that has been spoken, or written, or acted, or suffered in the cause of freedom; instructed by the late revolution in America, by the late revolution in Ireland, by the late revolution in France; hearing of all that has been done over the face of the globe for Liberty, and feeling all that can be suffered from

the want of it : reading the charter of independence to Ireland, and listening to the spirit-stirring voice of her great deliverer ; actuated, in fine, by that imperishable spark in the bosom of man which the servitude of a century may smother, but cannot extinguish, the Catholics of this country have been lessoned into liberty, have learned to know their rights, to be sensible of their wrongs, and to detail by peaceable delegation, their grievances, rather than endure without obedience. You !---in either kingdoms, who reproach the Catholics of Ireland for asserting the rights of nature, burn your books, tear your charters, break down your free press, and crumble to pieces those moulds which have cast liberty in so fair a form, as to make Catholics feel what Protestants have felt, and join their admiration and love with those of a worshipping world.

This Society and many other Societies have associated to create that union of power, and that brotherhood of affection among all the inhabitants of this Island, which is the interest as well as duty of all. We are all Irishmen, and our object is to unite the different descriptions of religion in the cause of our common country. From the most opposite points in the wide circumference of religions we tend with increasing velocity to the same centre of political union. A reform in parliament preceding Catholic enfranchisement would be in its nature partial and exclusive, and unless a reform immediately follows that emancipation (which it will certainly do) the extension of the elective franchise, would only add to the mass of corruption. The centre of our union is fixed and immovable. The Presbyterian wishes for national freedom. The Catholic aspires to nothing more ; nor can either of them be brought to believe that those varieties of religious faith, which

may be deemed the pleasures of the Creator, should be made the engines of political torture to any of his creatures. Too long have our people been set in array of battle against each other ; too long have the rancour and revenge of our ancestors been left as a legacy of blood to their posterity ; too long has one limb of the social body been tied down, until it had nearly lost all feeling, life and energy. It is our wish it is our hope to give Ireland the full and free possession of both her arms, her Catholic arm as well as her protestant arm, that she may the better embrace her Friends or grapple with her Foes.

Such are the principles and practice of our institution, which having neither power nor patronage, but merely the energy of honesty, has not only been distinguished by the calumnies of those who are born only to bite the heel, and be crushed under foot, but been honoured by the obloquy of men who fill the first offices in the state. From them we appeal to natural right and eternal justice, which ought ever to be established without compromise or reservation. From them we appeal to those who call themselves Friends of the People. Look not upon Ireland with an eye of indifference. The period of Irish insignificance is passing fast away. If the nation ever appeared contemptible, it was because the nation did not act : but no sooner in the late war was it abandoned by Government, than it rose to distinction as a people. As to any union between the islands, believe us when we assert that our union rests upon our mutual independence. We shall love each other *if we be left to ourselves*. It is the union of *minds* which ought to bind these nations together. Reciprocal interests and mutual wants will ever secure mutual affection ; but were any other union to be forced, and force only could effect it, you would endanger your liberties,

and we should lose our rights; you would feel the influence of the crown increase beyond all sufferance, and we should lose the name and energies of a people, with every hope of raising to its merited station in the map of mankind this noble and neglected Island "for which God has done so much and man so little."

Signed by Order,

THOMAS WRIGHT, *Secretary.*

Dublin, October, 26th 1792.

November, 3, 1792

To WILLIAM DRENNAN, M. D.

Chairman.

of the SOCIETY of UNITED IRISHMEN of

DUBLIN.

SIR,

AS chairman of the Catholics of Dublin, I am ordered to transmit a copy of their proceedings on Wednesday, October 31st.

We trust you will find in that paper a just reflection of your own principles, no less honourable to yourselves than advantageous to the true interests of your country.

With every sentiment of gratitude for the services which the Catholic cause has received at your hands, we are, Sir, your most obliged and obedient servants,

By order of the Meeting,

THOMAS BRAUGHAL *Chairman.*

October 31, 1792.

CATHOLIC MEETING of DUBLIN.

Resolved,

THAT we embrace this opportunity to repeat our Thanks to the illustrious Characters in both Houses of Parliament, who have nobly stood forward in support of Catholic Emanicipation, and the Right of the Subject to Petition for Redress of Grievances.

That our warmest Gratitude is due and hereby respectfully offered to our countrymen, the Citizens of Belfast, for the uniform and manly exertions which they have on all occasions made in support of our cause, and for the example of liberality and genuine public spirit which they have thereby shewn to the kingdom at large.

That our sincere Thanks are likewise due to the different Volunteer Corps lately reviewed in Ulster; to the Societies of United Irishmen of Dublin and Belfast, to the Protestant Freeholders of Cork, the different Gentlemen who at Grand Juries and County Meetings have supported our Cause, and to all others among our Protestant Brethern, who have manifested a wish for our Emancipation; and we trust we shall evince by our conduct, that we are not insensible nor unworthy of the kindness which they have shewn us.

That our Chairman be ordered to transmit Copies of this Day's proceedings to the Chairman of the Town-Meeting of Belfast, the Chairmen of the different Societies of United Irishmen, the different Reviewing Officers in Ulster, and the other distinguish-

ed Characters who have interested themselves in the Cause of Catholic Emancipation.

By Order of the Meeting

SIMON Mc. GUIRE, *Secretary.*

November 23, 1792.

ADDRESS FROM THE SOCIETY OF UNITED
IRISHMEN IN DUBLIN, TO THE DELEGATES FOR PROMOTING A REFORM IN
SCOTLAND.

WILLIAM DRENNAN, *Chairman.*

ARCHIBALD HAMILTON ROWAN, *Sec.*

WE take the liberty of addressing you, in the spirit of civil union, in the fellowship of a just and a common cause. We greatly rejoice that the spirit of freedom moves over the face of Scotland; that light seems to break from the chaos of her internal government; and that a country so respectable for her attainments in science, in arts, and in arms; for men of literary eminence; for the intelligence and morality of her people, now acts from a conviction of the union between virtue, letters, and liberty: and, now rises to distinction, not by a calm, contented, secret wish for a Reform in Parliament, but by openly, actively, and urgently *willing* it, with the unity and energy of an embodied nation. We rejoice that you do not consider yourselves as merg-

ed and melted down into an other country, but that in this great national question, you are still—Scotland—the land were Buchanan wrote, and Fletcher spoke, and Wallace fought.

Away from us and from our children those puerile antipathies so unworthy of the manhood of nations, which insulate individuals as well as countries, and drive the citizen back to the savage. We esteem and we respect you. We pay merited honour to a nation in general well educated, and well informed, because we know that the ignorance of the people is the cause and effect of all civil and religious despotism. We honour a nation regular in their lives, and strict in their manners, because we conceive private morality to be the only secure foundation of public policy. We honour a nation eminent for men of genius, and we trust that they will now exert themselves not so much in perusing and penning the histories of other countries, as in making their own a subject for the historian. May we venture to observe to them that mankind have been too retrospective; canonized antiquity, and undervalued themselves. Man has reposed on ruins, and rested his head on some fragments of the temple of liberty, or at most amused himself in pacing the measurement of the edifice, and nicely limiting its proportions; not reflecting that this temple is truly Catholic, the ample earth its area, and the arch of heaven, its dome.

We will lay open to you our hearts. Our cause is your cause.—If there is to be a struggle between us, let it be which nation shall be foremost in the race of man: let this be the noble animosity kindled between us, who shall first attain that free constitution from which both are equidistant, who shall first be the saviour of the empire.

The sense of both countries with respect to the intolerable abuses of the constitution has been clearly manifested, and proves that our political situations are not dissimilar; that our rights and wrongs are the same. Out of 32 counties in Ireland, 29 petitioned for a Reform in Parliament: and out of 56 of the royal Burghs in Scotland, 50 petitioned for a Reform in their internal structure and Government. If we be rightly informed, there is no such thing as popular election in Scotland. The people who ought to possess that weight in the political scale, which might bind them to the soil, and make them cling to the constitution, are now as dust in the ballance, blown abroad by the least impulse and scattered through other countries, merely because they hang so loosely to their own. They have no share in the national *Firm*, and are aggrieved not only by irregular and illegal exaction of taxes; by misrule and mismanagement of corporations; by misconduct of self-elected and irresponsible magistrates; by waste of public property; and by want of competent judicatures; but, in our opinion, most of all by an inadequate Parliamentary representation—for, we assert, that 45 Commoners and 16 Peers are a pitiful representation for two millions, and a half of people; particularly as your Commoners consider themselves not as the representatives of the people, but of the Councils of the Burghs by whom they are elected.

Exclusive charters in favour of Boroughs, monopolize the general rights of the people, and that act must be absurd which precludes all other towns from the power of being restored to their ancient freedom.

We remember that heretable jurisdictions and feudal privileges, though expressly reserved by the act of union (20th art.) were set aside by act of Parliament in 1746, and we think that there is much

stronger ground at present, for restoring to the mis-
of the people, their alienated rights, and to the Con-
stitution its spirit and its integrity.

Look now we pray you upon IRELAND. Long was
this unfortunate Island the prey of prejudiced factions
and ferocious parties. The rights or rather duties of
conquest were dreadfully abused, and the Catholic
religion was made the perpetual pretext for subject-
ing the state by annihilating the citizen, and destroy-
ing not the religious persuasion but the man; not
popery but the people. It was not till very lately
that the part of the nation which is truly colonial,
reflected that though their ancestors had been victo-
rious, they themselves were now included in the ge-
neral subjection; suading only to be subdued, and
trampled upon by Britain as a servile dependency.
When therefore the Protestants began to suffer what
the Catholics had suffered and were suffering; when
from serving as the instruments they were made them-
selves the objects of foreign domination, then they
became conscious they had a country; and then they
felt—an Ireland. They resisted British dominion,
renounced colonial subserviency, and following the
example of a Catholic Parliament just a century be-
fore, they asserted the exclusive jurisdiction and legis-
lative competency of this Island. A sudden light
from America shone through our prison. Our Vo-
lunteers arose. The chains fell from our hands. We
followed Grattan, the angel of our deliverance, and in
1782 Ireland ceased to be a province and became a
nation. But, with reason should we despise and re-
nounce this Revolution as merely a transient burst
through a bad habit; the sudden grasp of necessity,
in despair, from tyranny in distress, did we not be-
lieve that the Revolution is still in *train*: that it is
less the single and shining act of 82, than a series of

national improvements which that act ushers in and announces ; that it is only the herald of liberty and glory, of Catholic emancipation, as well as Protestant independance ; that, in short, this Revolution indicates new principles, foreruns new practice, and lays a foundation for advancing the whole people higher in the scale of being, and diffusing equal and permanent happiness.

British supremacy changed its aspect, but its essence remained the same. First it was force, and on the event of the late Revolution, it became influence ; direct hostility shifted into systematic corruption, silently drawing off the virtue and vigour of the island, without shock or explosion—Corruption that glides into every place, tempts every person, taints every principle, infects the political mind through all its relations and dependencies : so regardless of public character as to set the highest honours to sale, and to purchase Boroughs with the price of such prostitution ; so regardless of private morality, as to legalize the licentiousness of the lowest and most pernicious gambling, and to extract a calamitous revenue from the infatuation and intoxication of the people.

The Protestants of Ireland were now sensible that nothing could counteract this plan of debilitating policy, but a radical reform in the House of the People, and that without such reform the Revolution itself was nominal and delusive. The wheel merely turned round, but it did not move forward, and that they were as distant as ever from the goal. They resolved—they convened—they met with arms—they met without them—they petitioned. But all in vain—for, they were but a portion of the people.—Then they looked around and beheld their Catholic countrymen. Three millions—we repeat it—three millions taxed without being represented, bound by

laws to which they had not given consent, and politically dead in their native land. The apathy of the Catholic mind changed into sympathy, and that begot an energy of sentiment and action. They had eyes and they read. They had ears and they listened. They had hearts and they felt.— They said—
 “Give us our rights as you value your own. Give us a share of civil and political liberty, the elective franchise, and the trial by jury. Treat us as men, and we shall treat you as brothers. Is taxation without representation a grievance to three millions across the Atlantic, and no grievance to three millions at your doors? Throw down that pale of persecution which still keeps up civil war in Ireland, and make us one people. We shall then stand supporting and supported, in the assertion of that liberty which is due to all, and which all should unite to attain.”

It was just—and immediately a principle of adhesion took place for the first time, among the inhabitants of Ireland. All religious persuasions found in a political union their common duty and their common salvation. In this *Society* and its affiliated societies, the Catholic and Presbyterian are at this instant holding out their hands and opening their hearts to each other, agreeing in principles, concurring in practice. We unite for immediate, ample and substantial justice to the Catholics, and when that is attained, a combined exertion for a reform in Parliament is the condition of our compact, and the seal of our union.

British supremacy takes alarm. The haughty monopolists of national power and common right, who crouch abroad, to domineer at home, now look with more surprise and less contempt on this “besotted” people. A new artifice is adopted, and that restless domination which, at first ruled as open war, by the

length of the sword ; then, as covert corruption by the strength of the poison ; now assumes the style and title of Protestant Ascendancy ; calls down the name of heaven to sow discord on earth ; to rule by anarchy ; to keep up distrust and antipathy among parties, among persuasions, among families, nay to make the passions of the individuals struggle, like Cain and Abel, in the very home of the heart, and to convert every little paltry necessity that accident, indolence, or extravagance bring upon a man, into a pandar for the purchase of his honesty and the murder of his reputation.

We will not be the dupes of such ignoble artifices. We see this scheme of strengthening political persecution and state inquisition, by a fresh infusion of religious fanticism--but we will unite and we will be Free. *Universal Emancipation with Representative Legislature* is the polar principle which guides our Society and shall guide it through all the tumults of factions and fluctuations of parties. It is not upon a coalition of opposition with ministry that we depend but upon a coalition of Irishmen with Irishmen, and in that coalition alone we find an object worthy of reform, and at the same time the strength and sinew both to attain and secure it. It is not upon external circumstances, upon the pledge of man or minister, we depend, but upon the internal energy of the Irish Nation. We will not buy or borrow liberty from America or from France, but manufacture it ourselves, and work it up with those materials which the hearts of Irishmen furnish them with at home. We do not worship the British, far less the Irish constitution, as sent down from heaven, but we consider it as human workmanship, which man has made and man can mend. An inalterable constitution, whatever may be its nature, must be despotism.

It is not the constitution but the people that ought to be inviolable, and it is time to recognize and renovate the rights of the English, Scotch, and the Irish Nations. — Rights which can neither be bought nor sold, granted by charter, or forestalled by monopoly, but which nature dictates as the birth-right of all, and which it is the business of a Constitution to define, to enforce and to establish. If Government has a sincere regard for the safety of the constitution, let them coincide with the people in the speedy reform of abuses, and not by an obstinate adherence to them drive that people into Republicanism.

We have told you what our situation was, what it is, what it ought to be : our end, a National Legislature ; our means, an union of the whole people. Let this union extend throughout the Empire. Let all unite for all, or each man suffer for all. In each country let the people assemble in peaceful and constitutional convention. Let delegates from each country digest a plan of reform, best adapted to the situation and circumstances of their respective nations, and let the Legislatures be petitioned at once by the urgent and unanimous voice of England, Scotland, and Ireland.

You have your ideas. Answer us, and that quickly. This is not a time to procrastinate. Your illustrious Fletcher has said, that the liberties of a people are not to be secured, without passing through great difficulties, and no toil or labours ought to be declined to preserve a nation from slavery. He spoke well : and add, that it is incumbent on every nation that enters into a conflict for freedom, to remember that it is on the event (however absurdly) depends the estimation of public opinion ; honour and immortality, if fortunate ; if otherwise, infamy and oblivion. Let this check the rashness that rushes unadvisedly into the

committal of national character, or *if that be already made*, let the same consideration impel us to advance with active not passive perseverance, with manly confidence and calm determination, smiling with equal scorn at the bluster of official arrogance, and the whisper of private malevolence, until we have planted the flag of Freedom on the summit, and are at once victorious and secure.

November, 30, 1792.

UNITED IRISHMEN of DUBLIN,

WILLIAM DRENNAN in the Chair.

TO THE CHAIRMAN OF THE SOCIETY OF

UNITED IRISHMEN OF—

(Circular.)

SIR,

THIS Society has passed a resolution “ that we do proceed immediately to effect a better organization and a more intimate union with the different Societies of United Irishmen than has hitherto subsisted. We are also enjoined by a subsequent order to communicate all the publications of this Body to the confederated Societies. We shall accordingly now and henceforward transmit to you all such papers and we solicit the satisfaction of your concurrence to carry these resolutions into effect.

Our general principles and motives of association are amply detailed in our circular letter and declaration; but as our objects are of the first moment in life, the particular conduct of those Societies who co-operate with us, is of correspondent importance. It appears to us at this interesting crisis intumbant on patriotic associations of virtuous and independant men to establish frequent meetings, and a mutual communication of all their proceedings. Well assured that a fund of good sense and patriotism still exists latent among us, it is our common duty to call forth this valuable mass into life. Silence now becomes criminal, and neutrality treasonable. The private advocate of Catholic emancipation and representative legislature will be reckoned among our enemies, and employed as the passive instrument of their artifices. We should therefore hold a strict inquest on all public measures, labour to give unison to the public sentiment, and fix its standard. It becomes us to interfere, when Grand Juries follow the example of the House of Commons and misrepresent the People. We must not suffer Falsehood to stalk over the land in Right Honourable solemnity, to invade the National Credit, and arraign the National character—— We must arrest its progress, and arraign its authors at the Bar of the Nation.

We cannot too strongly impress upon the public mind, that the repeal of this or that obnoxious Law out of the multitude,—that the removal of power from this or that party, can only shift our position upon the Political wheel of Torture. Parties have changed, and Palliatives have been administered: but the Traffic of Irish Freedom, and the Plunder of Irish Property have been uniform and permanent. It becomes therefore our essential duty to direct the Eye of the people to the Polar star of their political

salvation, a Representative Legislature, while the Echo of that *Watchword of Discord*; that *Motto of Profanation*, the Protestant Ascendancy, dies away through reptile corporations.

Finally, in reliance that you have adopted the Letter of our Test, we recommend it to your zeal to diffuse its spirit; because it engrafts the first duty of a good Citizen upon the first duty of a good Christian; because it is a practice subversive of our constitution, that the King and the Lords should vote in the Commons House of Parliament, that the Mass of the People should be excluded from their inalienable share in the Legislature, not by the insensible abuses of time, but an express Law; and because this exclusion establishes, under the mask of Freedom, a System of Practical Despotism over the whole People.

Prescribing these Duties to ourselves, we submit them to your consideration, and request the favour of your correspondence.

I am, Sir, with great Respect,

Your obedient humble Servant,

A. HAMILTON ROWAN, Secretary.

December, 7, 1792.

Resolved,

THAT having so frequently avowed our sentiments on Universal Emancipation, and Representative Legislature, it is not necessary for us at this time to repeat that the Delegates of the Catholic People in the faithful discharge of their sacred trust, attending to the Establishment of perfect Freedom in the Nation, may be assured of our zealous co-operation.

December 14, 1792.

The SOCIETY of UNITED IRISHMEN,
at DUBLIN, to the **VOLUNTEERS**
of IRELAND.

WILLIAM DRENNAN, Chairman.

ARCHIBALD HAMILTON ROWAN, Sec.

CITIZEN SOLDIERS,

YOU first took up arms to protect your Country from foreign enemies, and from domestic disturbance. For the same purposes, it now becomes necessary that you should resume them. A Proclamation has been issued in England for embodying the Militia, and a Proclamation has been issued by the Lord Lieutenant and Council in Ireland, for repressing all *seditions* associations. In consequence of both these Proclamations, it is reasonable to apprehend danger from abroad, and danger at home. From whence but from apprehended danger are those menacing preparations for war drawn through the Streets of this Capital, or whence, if not to create that internal commotion which was not *found*, to shake that credit which was not *affected*, to blast that Volunteer honour which was hitherto *involute*, are those terrible suggestions and rumours and whispers, that meet us at every corner and agitate at least our old men, our women and children. Whatever be the motive, or from whatever quarter it arises, alarm has arisen; and you **VOLUNTEERS of IRELAND**, are therefore summoned *To Arms* at the instance of Government, as well as by the

responsibility attached to your character, and the permanent obligations of your institution. We will not at this day, condescend to quote authorities for the *right* of having and of using arms, but we will cry aloud, even amidst the storm raised by the Witchcraft of a proclamation, That to your *formation* was owing the peace and protection of this Island; to your *relaxation* has been owing its relapse into impotence and insignificance, to your *renovation* must be owing its future freedom and its present tranquillity. You are therefore summoned to Arms, in order to preserve your country in that guarded quiet, which may secure it from external hostility, and to maintain that internal regimen throughout the land, which superseding a notorious Police or a suspected Militia, may preserve the blessings of peace by a vigilant preparation for war.

Citizen Soldiers, to arms! Take up the shield of Freedom, and the pledges of Peace,---Peace, the motive and end of your virtuous institution.---War, an occasional duty, ought never to be made an occupation. Every man should become a Soldier in the defence of his rights; no man ought to continue a soldier for offending the rights of others. The sacrifice of life in the service of our country is a duty much too honourable to be intrusted to mercenaries, and at this time, when your country has by public authority been declared in danger, we conjure you by your interest, your duty and your glory to stand to your arms, and in spite of a Police, in spite of a Fencible Militia, in virtue of two Proclamations, to maintain good order in your vicinages and tranquillity in Ireland.---It is only by the military array of men in whom they confide, whom they have been accustomed to revere as the guardians of domestic peace, the protectors of their liberties and lives, that the present agitation of the people can be

filled, that tumult and licentiousness can be represented, obedience secured to existing law, and a calm confidence, diffused through the public mind in the speedy resurrection of a free constitution—of *Liberty* and of *Equality*,—words which we use for an opportunity of repelling calumny and of saying, that,

By Liberty we never understood unlimited freedom, nor by Equality the levelling of property, or the destruction of subordination.--- This is a calumny invented by that faction or that gang which misrepresents the King to the People, and the People to the King, traduces one half of the nation to cajole the other, and by keeping up distrust and division, wishes to continue the proud arbitrators of the fortune and fate of Ireland.--- Liberty is the exercise of all our rights natural and political, secured to us and our posterity by a real representation of the people;---and equality is the extension of the constituent, to the fullest dimensions of the constitution, of the elective franchise to the whole body of the people, to the end that government which is collective power, may be guided by collective will, and that legislation may originate from public reason, keep pace with public improvement, and terminate in public happiness. If our constitution be originally imperfect, nothing but a reform in representation will rectify its defects; if it was perfect, nothing but the same reform will restore its blessings.

We now address you as Citizens, for to be Citizens you became Soldiers, nor can we help wishing that all Soldiers, partaking the passions, and interest of the people would remember that they were once Citizens, that seduction made them Soldiers,—“but nature made them Men.” We address you without any authority save that of reason, and if we obtain the coincidence of public opinion it is neither by force nor stratagem, for we have no power to terrify, no

arance to cajole, no fund to seduce.—Here we sit
 without mace or beadle, neither a mystery nor a
 craft, nor a Corporation.—In four words lies all
 our power, **UNIVERSAL EMANCIPATION**
 and **REPRESENTATIVE LEGISLATURE**—
 yet we are confident that on the pivot of this princi-
 ple, a convention—still less,—a society,—less still,—
 a single man will be able, first to move and then to
 raise the world. We, therefore, wish for Catholic
 emancipation without any modification, but still we
 consider this necessary enfranchisement as merely the
 portal to the Temple of National Freedom. Wide
 as this entrance is, wide enough to admit three mil-
 lions,—it is narrow, when compared to the capacity
 and comprehension of our beloved principle, which
 takes in every individual of the Irish nation, casts an
 equal eye over the whole Island embraces all that
 think and feels for all that suffer. The Catholic
 cause is subordinate to our cause, and included in it,
 for as **UNITED IRISHMEN**, we adhere to no
 sect, but to society, to no creed but Christianity, to
 no party, but the whole people.—In the sincerity
 of our souls, do we desire Catholic emancipation,
 but were it obtained, to-morrow, to-morrow would
 we go on, as we do to-day, in the pursuit of that
 reform which would still be wanting to ratify their
 liberties as well as our own.

For both these purposes, it appears necessary that
 provincial conventions should assemble preparatory
 to the convention of the Protestant People. The
 Delegates of the Catholic body are not justified in
 communicating with individuals, or even bodies of
 inferior authority, and therefore an Assembly of a
 similar nature and organization is necessary to esta-
 blish an intercourse of sentiment, an uniformity of
 conduct, an united cause, and an united nation.

a convention on the one part does not soon follow, and is not soon connected with that on the other, the common cause will split into the partial interest; the people will relax into inattention and inertness; the union of affection and exertion will dissolve, and too probably some local insurrection, instigated by the malignity of our common enemy, may commit the character, and risque the tranquillity of the Island, which can be obviated only by the influence of an assembly arising from, assimilated with the people, and whose spirit may be as it were knit with the soul of the nation,---unless the sense of the Protestant People, be, on their part, as fairly collected and as judiciously directed, unless individual exertion consolidates into collective strength, unless the particles unite into mass, we may perhaps serve some person, or some party for a little, but the public not at all. The nation is neither insolent nor rebellious nor seditious. While it knows its rights it is unwilling to manifest its powers. It would rather supplicate administration to anticipate revolution by a well timed reform, and to save their country in mercy to themselves.

The 15th of February approaches, a day ever memorable in the annals of this country as the birthday of new Ireland---Let parochial meetings be held as soon as possible. Let each Parish return delegates. Let the sense of Ulster be again declared from Dunganannon on a day auspicious to union, peace and freedom, and the spirit of the North will again become the spirit of the Nation. The civil assembly ought to claim the attendance of the military associations and we have addressed you, Citizen Soldiers---on this subject, from the belief that your body, uniting conviction with zeal, and zeal with activity, may have much influence over your countrymen, your relative

ons and friends. We offer only a general outline to the public, and meaning to address Ireland, we presume not at present to fill up the plan or pre-occupy the mode of its execution. We have thought it our duty to speak: answer us by actions; you have taken time for consideration. Fourteen long years are elapsed since the rise of your associations and in 1782, did you imagine that in 1792 this nation would still remain unrepresented? How many Nations in this interval have gotten the start of Ireland! How many of our Countrymen have sunk into the Grave!

December 23, 1792.

UNITED IRISHMEN of DUBLIN.

WILLIAM DRENNAN, Chairman.

ARCHIBALD HAMILTON ROWAN, Sec.

RESOLVED, That it appears to this Society, from the evidence laid before it, that the printed Hand Bills which Archibald Hamilton Rowan and James Napper Tandy are charged, in the Information sworn against them, with having distributed, are Copies of the Address of this Society to the Volunteers of Ireland, falsely called in the said Information "A seditious Libel."

Resolved, That it is the Duty of every Member to distribute the public Resolutions of the Society, and if A. H. Rowan and J. N. Tandy really distributed that Address, they, in so doing, acted agreeable to the Sentiments, and, therefore, merit the approbation of this Society.

Resolved, That this Society, in supporting its Rights, will not confine itself merely to defensive Measures, but as the sale of the Peerage and of seats in the representative house of Parliament, and other corruptions are openly and notoriously practised by a shameless and profligate Administration, this society will, without delay, prepare materials for prosecutions against such members of the Administration as have been guilty of such Enormities.

Resolved, That although we despise the paltry Trick by which those interested in the present unconstitutional Representation of the People endeavour to fix, as a Stigma, the character of Republican and Leveller on every active prompter of reform--yet, as we see with Concern that some well-intentioned and sincere Friends of that Measure have been affected with a Fear artfully and groundlessly excited for corrupt purposes, we think it our duty to declare on our own behalf, that the object of our Institution is an impartial and adequate Representation of the Irish Nation in Parliament ;—and in order to prove that our Views are and always have been, directed to that End, we hereunto subjoin the Test, which was adopted on the establishment of this Society, and which has been uniformly taken by every member on his admission.

(Note—See Test, Page 6.)

Saturday, 21 January, 1792.

SOCIETY OF UNITED IRISHMEN OF D U B L I N.

The Hon. SIMON BUTLER in the Chair.

RESOLVED unanimously, That the following report of our Committee appointed to enquire and report the Popery laws enacted in this realm, be now read :

AS the the Irish popery laws have at length become of so much notorious consideration as well as abhorrence, and as their violence has of late years undergone some mitigation thro' the liberality of the times, and the deep impression made by the exemplary good conduct of the great catholic body, it is thought necessary to offer a simple view of the actual state of the popery laws for the reader less habituated to the intricacies of statute reading. In doing this we waive all observation except what is necessary to render the intention of the legislature distinct and evident, and forego that method in which the legislature has arranged the various regulations of which those statutes are composed, wishing to state their present operation in a short and familiar manner.

E D U C A T I O N.

In every well regulated community, the education of youth has been an object of the greatest notice.

The Irish popery laws have not been inoperative on this point.

Those who are acquainted with the constitution of our university, need not be informed, that none, except those who conform to the established church, can be admitted to study there, and that none can obtain the degrees therein, who have not previously taken all the tests, oaths, and declarations: so that papists are entirely excluded from education in the authorized establishment for education in their own country-

No *popish university* or college can be erected or endowed.

No *popish school* can be endowed.

But, if we truly conceive the sense of the legislature (which from the obscurity of its language in this as in other instances is not easy,) a papist on taking the oath of allegiance, and subscribing the declaration prescribed by the 13th and 14th Geo. 3. ch. 35. does thereby *qualify* himself to instruct in learning publicly and privately youth of his own persuasion, but lest he should educate any protestants, and thereby have opportunity of making proselytes, the law has provided that he shall not receive into his school any protestant, or become an usher, under-master, or assistant to a protestant schoolmaster.

Protestants and converts from popery educating or permitting their children (not already papists, and above fourteen years of age) to be educated papists, shall not be subject to such disabilities as papists are.

Any *convert* if a *justice of peace* who educates any of his children under sixteen years of age in the popish religion, shall on conviction of acting as such, suffer one year's imprisonment, forfeit £100 and be incapable of being an executor, administrator or guardian.

The children of papists are deemed as papists until they conform, except such as from the age of *twelve* years have been constantly bred up in the protestant religion, and received the sacrament according to the church of Ireland, who shall be reputed protestants, unless they at any time after the age of *eighteen* declare themselves of the communion of the church of Rome, or be present at matins or vespers according to the practice of that church, in which case they shall be subject to all the penalties affecting converts relapsing to popery.

Upon this view of the law concerning education, the nation may judge of the *liberal indulgence* afforded to the *Roman Catholics* by admitting them to the benefits of education.

GUARDIANSHIP.

The law concerning guardianship stands simply thus——Papists, other than ecclesiastics taking the oath of allegiance and subscribing the declaration prescribed by the 13th and 14th Geo. 3. ch. 35, are thereby qualified to become guardians of their own child or of the child of a papist, but not of the child of a protestant.

MARRIAGE.

As the law concerning marriage is extremely simple in its severity, as it consists of but one regulation, for every marriage celebrated by a popish priest, between two protestants or between a papist and any person who has been or has professed him or herself to be a protestant at any time within twelve months before such marriage, shall be null and void without

any process, judgement or sentence of law whatsoever, and nevertheless, the popish priest who celebrates such marriage shall on conviction be guilty of felony without benefit of the clergy or of the statute, and suffer death accordingly, for, says the lawyer, the *celebration* and not the *marriage* constitutes the offence. — In order to obtain evidence of the fact, two justices of the peace are impowered to summon any persons whom they suspect to have been present at any marriage that they *suspect* to have been made contrary to this law, as well as the parties *suspected* to be married, and such *suspected parties* and *suspected witnesses* declining to appear, or refusing to declare upon oath their knowledge of the facts, or refusing after declaration of the facts to enter into recognizance to prosecute, shall be imprisoned for three years.

It must be admitted that the legislature has lately declared that it shall and may be lawful to and for protestants and persons professing the popish religion to intermarry, provided the marriage be celebrated by a clergyman of the established church: but when it is considered that in the Roman Catholic persuasion marriage is a *sacrament* and ought to be celebrated according to the rites and ceremonies of that church, it will be readily granted, that by establishing the legality of intermarriages no very *liberal indulgence* was offered to the Roman Catholics, the more especially as there is a saving in favour of the law that enacts “that a protestant married to a papist, or a convert married since his conformity to a papist, shall not be intitled to vote, at any election of *members to serve in parliament*, in right of being a *freeholder or protestant inhabitant of a borough*.”

D E F E N C E.

There is another head upon which the legislature has thought proper to change the course of the common law ; it is the right of *self defence*, which is complicated with the use of *arms*. Now this right, though one of the laws of nature, and indeed the first of them is yet so liable to so many dangerous abuses, that some wise communities have found it necessary to set several restrictions upon it, especially temporary ones, on some imminent danger to the public from foreign invasion. The method which the statute law of Ireland has taken upon this delicate article is to get rid of all difficulties at once, by an universal prohibition to all persons, who are not protestants, at all times, and under all circumstances, to use or keep any kind of weapons whatsoever. In order to inforce this regulation, severe penalties, without any regard to proportion, are inflicted ; new modes of inquisition are enjoined ; the largest powers are vested in the lowest magistrates. Any justice of the peace, or any magistrate of a city or town corporate, with or *without* information, by themselves or by their warrant, at their discretion, whenever they think proper, at any hour of the day or *night*, are impowered *forcibly* to enter and to search the house of any papist or any *protestant* whom they *suspect* to keep arms in trust for a papist. This, we say, they may do at their discretion ; and it seems a pretty ample power to be vested in the hands of that class of magistrates.

Besides the discretionary and occasional search the law has prescribed one that is general and periodical. It is to be made annually, under the warrants of justices of peace and magistrates of corporations, by the high and petty constables, or any others whom they choose to authorize, with all the powers and with

the same circumstances in every respect which attend the discretionary and occasional search.

Not trusting however to the activity of the magistrates proceeding officially, the law has invited voluntary informers by the distribution of considerable rewards, and even pressed involuntary informers into the service by the dread of very heavy penalties.—With regard to the latter method, justices of the peace and magistrates of corporations are empowered to summon before them any person whatsoever, and to tender to him an oath, by which they oblige him to discover concerning all persons, without distinction of propinquity or connection, who have any arms concealed contrary to law, and even whether he himself has any. His refusal to appear, or appearing, his refusal to discover and inform, subjects him to *fine and imprisonment, or such corporal punishment of pillory or whipping*, as the court shall in its discretion think proper.—Thus all persons, peers and peeresses, protestants as well as papists, may be summoned to perform this honourable service, by the bailiff of a corporation of a few straggling cottages, and refusing to perform it, are liable to be fined and imprisoned, pilloried or whipt.—The punishment for the first offence in *peers and peeresses*, if not pilloried or whipt, is £300, and for the second offence the punishment is no less than the penalties of a person attainted in a *præmunire*, that is, “the offender shall be put out of the king’s protection, and his or her lands and tenements, goods and chartels, forfeited to the king: and his or her body shall remain in prison at the king’s pleasure.”—The punishment for the offence in *persons of an inferior order*, if not pilloried or whipt, is (without any considera-

tion of what their substance may be) £50 and one year's imprisonment, and for the second offence they are subject to the penalties of a person attainted of a præmunire.—So far as to involuntary, now as to volunteer informers. If the punishment of the offender be a fine, the law intitles them to one half of the same.

The only exception to this law is a licence from the Lord Lieutenant and privy council to keep such arms as shall be particularly expressed in the licence.—This possibility of a privilege is by its own nature so remote, on account of the difficulty of application in private cases to the supreme executive authority, that we do not believe, that there are ten persons now in the kingdom who have been fortunate enough to obtain it.

We will now say something concerning the exercise of religion.

EXERCISE OF RELIGION.

All inhabitants of this realm must attend divine service according to the established religion at their parish church upon every sunday and holiday upon pain of ecclesiastical censures and of forfeiting 12d. for every time of absence.

All superstitious meetings and assemblies of Pilgrims at wells and pretended sanctified places are declared riots and unlawful assemblies, and punishable as such.

Magistrates are to demolish all crosses, pictures and inscriptions that are any where publicly set up, and are the occasion of popish superstitions.

None shall bury in suppressed monastery, abbey or convent not used for divine service, or without

the precincts thereof, upon pain of £10 from any person present, by order of a Justice of peace.

Justices of peace are to suppress all monasteries, friaries, nunneries, or other popish fraternities or societies.

A popish secular ecclesiastic, who registers himself pursuant to the act for that purpose, and takes and subscribes the oath and declaration prescribed by the 13th & 14th Geo. 3. ch. 35, and also a popish regular ecclesiastic, if he be in the kingdom at passing of the 21st & 22d Geo. 3. ch. 24, and makes the oath and declaration aforesaid, and registers himself pursuant to the act for that purpose in six months after the passing the said act of the 21st & 22d Geo. 3. Ch. 24, are authorized to officiate, provided they do not officiate in any church or chapel with a steeple or bell, or at any funeral in any church-yard, or exercise any of the rites or ceremonies of the popish religion, or wear the habits of their order, (save within their several places of worship or in private houses) or shall use any symbol or mark of ecclesiastical dignity or authority, or assume and take any ecclesiastical rank and title, or procure, incite, or persuade any protestant to become a papist.

All popish regular or secular ecclesiastics, not qualifying as above, or offending against any of the aforementioned provisions, and all papists exercising ecclesiastical jurisdiction are to be imprisoned till they be transported beyond seas, and if they should return from exile, they will thereby be guilty of high treason and suffer and forfeit as in case of high treason---and whoever harbours them shall for the first offence forfeit £20, for the second offence £40, and for the third offence all his lands of inheritance and freehold during his life, and all his goods and chattels.

Every popish priest who becomes a protestant shall receive £40 yearly from the county in which he last officiated as a Roman priest during his residence in said county until he shall be provided for by some ecclesiastical benefice or licensed curacy of the same or greater value.

If any person shall seduce a protestant to renounce the protestant and profess the popish religion, the seducer and the seduced shall incur the penalty of præmunire mentioned in the 16th Rich. 2.

REAL ESTATES AND CHATTELS REAL.

The popery penal law in respect to *real estates* and *chattels real*, has been in a great measure done away, and at this day, papists, upon taking the oath and subscribing the declaration mentioned in the 13th & 14th Geo. 3. ch. 35. in the manner and at the times and places prescribed by the law are qualified to enjoy and acquire *real estates* and *chattels real* nearly as fully and beneficially as other subjects may.

However there are some disabilities still remaining.

Papists are disabled to *buy or purchase* any *advowson*—And the *right of presentation* of a papist to any ecclesiastical benefice is vested in the crown.

Papists, making as aforesaid the oath and declaration mentioned in the 13th and 14th Geo. 3. Ch. 35, may take, hold and enjoy any lands, tenements or hereditaments in any manor or borough, the freeholders or inhabitants whereof are entitled to vote for burgesses to represent such manor or borough in parliament, which shall descend from or be devised or transmitted by a *papist* seized in fee;

or tail, in law, or in equity, of the same at the passing of the 17th and 18th Geo. 3. ch. 49. or person deriving from a *papist* then so seized.

If any *protestant* is seized of any lands, tenements, or hereditaments in such *manor or borough*, no *papist* is capable of taking the same by reason of any *descent, devise or gift*, from such *protestant*, but the law vests the same, until his conformity, in the next *protestant* of the inheritable blood.

Papists, upon making as aforesaid the oath and declaration before mentioned, are not disabled from taking any *lease* in lands, tenements or hereditaments in any *such manor or borough* for any term of years not exceeding 999 years certain, or for any term of years determinable on any number of lives not exceeding five, with or without liberty of committing waste, and disposing of the same by will or otherwise as fully and beneficially to all intents and purposes as any other his majesty's subjects may, save that upon every such lease a rent bona fide to be paid in money shall be reserved, and save that a maintenance and portion may be granted thereout to any child of a *popish* parent possessed of the same upon a bill filed against such parent in chancery pursuant to the 2d Anne, ch. 6. which enacts "that upon a bill filed in chancery by a child of a *popish* parent, professing or desirous to profess the *protestant* religion, against such parent, that court may make such order for the maintenance of such child, not maintained by such parent suitable to the degree and ability of such parent and age of such child, and also for the portion of such child to be paid at the death of such parent as the court shall judge fit, suitable to the degree and ability of such parent.

But if any papist *buys* or *purchases* lands, tenements or hereditaments, in *such* manor or borough from any *protestant*, or any leases or terms thereof, other than for the beforementioned term of 999 years or other number of years determinable on five lives, *such* lands, tenements, and hereditaments, so conveyed or leased, and all collateral securities made or entered into to cover or make good the same are discoverable, and may be sued for and recovered by a protestant discoverer.

This discoverer so vested with this property is enabled to find it out by every mode of inquisition, and to sue for it with every kind of privilege, not only the Courts of Law are open to him, but he may enter, and this is the usual method, into either of the courts of equity; he may bring bills against the parties, whom he suspects to be possessed of this forbidden property, against those whom he suspects to be their trustees, and against those whom he suspects to be privy to the transaction, and oblige them upon oath, under the guilt and penalties of perjury, to disclose the exact nature, and just value of their estates and trusts in all the particulars, in order to effect their forfeiture-----In such suits, the informer is not liable to the delays which the ordinary procedure of those courts throws into the way of the most equitable claimant nor has the papist indulgence, which they allow to the most fraudulent defendant, that of plea and demurrer; the defendant is obliged to answer the whole directly upon oath, and the whole rule of "extending benefit and restraining penalty" is by this law struck out of the Irish jurisprudence, and the contrary rule is established, directing that upon all doubts these penal laws should be construed in the largest and most liberal sense against the defendant

Until the 2d May 1782, papists were incapable to purchase from protestant or papist any rents or profits out of or annuity chargeable on any lands, tenements or hereditaments, and at this day no papist is capable to buy or purchase from protestant or papist any rents or profits out of lands, tenements, or hereditaments in such manor or borough, or take any annuity chargeable on such lands, tenements or hereditaments — and all securities whatsoever for the securing of any such annuity are void, and any judgment had on such annuity, so far as such judgment may affect such lands, is also void.

In respect to the leases taken by papists under the powers granted by the 17th and 18th Geo. 3. ch. 49, it is to be observed that those leases, if taken at any time within the 1st of August and 1st November 1778, were liable to be charged with maintenance and portion for the children of a popish parent possessed of the same, if a bill grounded on the 2d Anne, ch. 6, was filed for that purpose before the 1st November 1778, but if no such bill was filed before the 1st November 1778, such leases so previously taken and in the actual possession of the papist on that day ceased to be liable to such charges. — It must also be observed as to those leases taken by papists under the powers granted by the 17th and 18th Geo. 3. ch. 49, that if taken at any time after the 1st November 1778, and before the 2d May 1782 (or since if of lands in such beforementioned manors or boroughs) they were and do now continue liable to be charged with such maintenance and portion — as to leases of any lands, tenements or hereditaments, (save in such beforementioned manors or boroughs) taken by papists after the 1st May 1782, they are within the provision of

statute of the 21st and 22d Geo. 3. ch. 24, "which enables papists, upon making as aforesaid the oath and declaration beforementioned, to take and dispose of lands, tenements and hereditaments and any interests therein as fully and beneficially as other subjects may" and are therefore not liable to such charges.

To conclude our observations on the subject of real property, we have only to take notice, that the law directs that *debts and incumbrances* affecting the *real* estates of papists shall, within six months be enrolled in the court of Exchequer, in some public office belonging to and appointed by such court for that purpose, and that in default of such enrolment, such debts and incumbrances shall not charge the *lands* in the hands of a *protestant*.—The *Auditor General's office* is the place appointed for that purpose by the court of Exchequer.—The intent of this law was to prevent *pocket incumbrances* only.——*Judgments* are of sufficient notoriety, and, it is decided, that they are not within the view of the legislature, and that copies of them need not be enrolled in the Auditor General's office.

GOODS and PERSONAL CHATTLES.

Whatever effect the relaxing laws may have had upon *real estates* and *chattles real*, the *goods* and *personal chattles* have not been affected by those laws in any respect, save that no maintenance or portion can be granted out of such property to any child of a popish parent upon a bill filed against such parent pursuant to the 2d Anne, ch. 6, in other respects and penalties of the law affecting such property remain as they did before the relaxing laws were passed.

If the wife of a papist conforms in his life time, she shall, if she survives him, and be unprovided for by dower or by some settlement on his real estate, receive such proportion of the *goods and personal chattles* whereof he shall die possessed or intitled unto as the court of chancery on a bill to be preferred by her grounded on the 8th Anne, ch. 3, may think reasonable, not exceeding one third part after debts and funeral expences, notwithstanding any will or voluntary disposition by him to the contrary or the *statute of distributions*.—— The legislature in this instance has presumed that the husband omitted to make provision, for no other reason than that of her religion—if therefore a wife choses to balance any domestic misdemeanors to her husband by the public merit of conformity to the protestant religion, the law will suffer no proofs of such misdemeanors to be brought to invalidate its presumption; she acquires a provision totally independant of the favour of her husband, and this in a great degree deprives him of that source of domestic authority, which the common law has left in families that of rewarding or punishing by a voluntary distribution of his effects what in the opinion of the husband was the good or ill-behaviour of his wife—And yet it is to be observed that tho' the law meant a favour to the conforming wife yet by a strange inaccuracy in repealing as to her the provisions of the *statute of distributions*, it has deprived her of an advantage to which she would have been intitled under that statute in case her husband died intestate and without issue, as in such case by that statute she would be entitled, as against his collateral relations to a moiety of the clear surplus of his personal estate after payment of debts and funeral expences.

The *child* of a papist, on conforming to the protestant religion, may file a bill in Chancery grounded on the statute of the 8th Anne, ch. 3, against the parent, and compel such parent by the process of that court, to confess upon oath, the quantity and value of the *goods and personal chattles* of such parent over and above debts contracted bona fide for valuable consideration before the conformity.—

Upon this conformity the court is impowered to seize upon and allocate for the *immediate maintenance* of such child any sum not exceeding one *third* of the said *goods and personal chattles*.—This *third* as we said for *immediate maintenance*, but as to *future establishment* upon the death of the parent, no limits whatsoever are assigned by the statute; the chancellor may, if he thinks fit, take the whole of such property, money, stock in trade or agriculture, out of the hands of the possessor, and secure it in any manner he may think expedient for that purpose, the act not having any sort of limit with regard to the quantity of such property which is to be so charged, nor having given any sort of direction concerning the means of charging or securing it.—But the policy of the legislature was not yet exhausted, because there was a possibility that the parent, tho' sworn and otherwise compellable might by *false representations* evade the discovery of the ultimate value of such property on the *first* bill, new bills may be brought at any time, by any or by all the children, for a further discovery.—such property of the parent is to undergo a fresh scrutiny, and in consequence of this scrutiny, a new distribution is to be made, the parent can have no security against the vexation of reiterated chancery suits, and continual dissection of such his property, but by doing what must be confessed is some-

what difficult to human feelings, by fully and without reserve abandoning such property (which may be his *whole*) to be disposed of at the discretion of such a court in favour of such children—Is this enough, and has the parent purchased his repose by the total surrender for once of such effects?—~~Very~~ Very far from it; the law very expressly and carefully provides that he shall not; for as in the former case a *concealment* of any part of such effects is made the equitable ground of a new bill, so here any increase of them is made a second ground of equity; for the children are authorized, if they can find that their parent has by his industry or otherwise acquired any property since their first bill, to bring others compelling a fresh account, and another distribution of the increased substance proportioned to its value at the time that the new bill is preferred.—They may bring such bills *toties quoties*, upon every improvement of such property by the parent, without any sort of limitation of time, of the number of such bills, or the quantity of increase in the estate which may justify the bringing them; in short, the law has provided, by a multiplicity of regulations, that the parent shall have no respite from the persecution of his children, but by totally abandoning not only all his present *goods and personal chattels*, but every hope of increase and improvement of such property——It is very well worth remarking that the law has purposely avoided to determine any age for these emancipating conversions, so that the children at any age, however in all other respects incapable of choice, however immature, or even infantine, are yet considered as sufficiently capable of disinheriting their parents, if we may be allowed the expression, and to subtract themselves from their di-

rection and controul—by this part of the law the value of Roman Catholics in their *goods and personal chattels* is rendered extremely limited and altogether precarious, the paternal authority in such families undermined, and love and gratitude, dependence and protection almost extinguished.

FRANCHISES.

There only remains upon our Plan, to say something concerning *franchises*.

No person shall hold any *ecclesiastical office or employment* without making a *declaration* against *transubstantiation* at the times and places and in the manner prescribed by law.

No person, without making a *declaration* against *transubstantiation* and *receiving the sacrament according to the Church of Ireland* at the times and places and in the manner prescribed by the law, shall hold any *office or employment civil or military*, except the office of high constable, overseer of the poor, churchwarden, surveyor of the high ways, or any like inferior civil office, or the office of Forester or keeper of a park, chase, warren, game, or bailiff of a manor or lands, or any like private office.—The office or employment is void, and the penalty for executing it is a disability to sue in law or equity, to be guardian, executor or administrator, to take a legacy or deed of gift, or to bear any office, and a forfeiture of £500.

Papists are not entitled to vote at *vestries*, (held for other purposes than *paving and lighting*) unless they happen to be the Churchwardens, in which case they vote, except for the *repairing or re-building of Churches*.

Papists are not to be *parochial watchmen* in

times of *tumult and danger*--the Lord Lieutenant the judge of such times, may, when he shall judge necessary, issue proclamations for the finding of protestants, and none other to be parochial watch.

Tho' *papists* may, by taking and (subscribing the oath of allegiance prescribed by the 13th and 14th Geo. 3. ch. 35, *qualify* to be called to the bar, yet they are expressly excluded from being *King's Council*.

And tho' *papists* may in like manner qualify to be attorney, solicitor or notary, yet to be an advocate, proctor, or six clerk, the necessity of a declaration against *transubstantiation* still remains.

No person shall be capable of acting as a *sub-sheriff* or *sheriff's clerk*, who has not been a protestant for five years immediately before such acting, under penalty of being subject to such disabilities as *papists* are.

No *peer* or *member of the House of peers* shall vote or make his proxy in such house, or sit there during any debate, nor shall *any member of the House of commons* vote or sit in the house of commons during any debate after the speaker is chosen, until such peer or member shall take and subscribe the *declaration* against *transubstantiation*. The penalty is a disability to hold or execute any office ecclesiastical, civil or military, to sit or vote in either house of parliament, or make a proxy in the House of Lords, to sue in law or equity, to be guardian, executor, or administrator, or to take any legacy or deed of gift, and a forfeiture of £500.

No *papist* is intitled to vote at the *election* of any member to serve in parliament, or at the *election* of any magistrate for any city or other town corporate.

No *papist* shall serve on, or be returned to serve on any grand jury, unless it shall appear to the

court, that a sufficient number of protestants can not be had for that service.

In all trials of issues on any of the popery laws the prosecutor or plaintiff may challenge any papist returned as a juror to try the same.

And in actions between protestants and papists, challenge of a papist returned as a juror shall be allowed.

No papist shall serve as a juror upon trials for enlisting persons in foreign service.

Papists to serve on juries must have £10 per annum, clear freehold, except in counties of cities and towns.

King's and university professorships of physic are not open to papists.

Persons apprenticed, under the direction of authorized establishments for education, are invariably to be apprenticed to protestants.

No six clerk, officer or deputy officer of any of the Four Courts, or of any court of record, ecclesiastical or admiralty, shall take any papist to be apprentice or clerk.

The reader has now before him such a view of the popery laws of Ireland as may enable him to form some sort of judgment upon the spirit of the whole system.

PROCEEDINGS

CERTAIN ACTIONS

WHEREIN

JAMES NAPPER TANDY, Esq.

WAS

PLAINTIFF,

JOHN EARL OF WESTMORELAND,

AND OTHERS

DEFENDANTS.

Exchequer. Pleas side.

James N. Tandy Esq.

Plaintiff,

The Right Hon. John
Fane, Earl of West-
moreland of the King-
dom of Great Britain.

Defendant.

ON Thursday the 21st
of June 1792, a Subpoena
from the Pleas side of the
Court of Exchequer, was
served on the Defendant
at the suit of the Plaintiff,
and the four days for ap-

pearance expired on Tuesday; on that day Mr.
Attorney General obtained the following order.

Tuesday, 26th June, 1792.

James N. Tandy, Esq. }
 against }
 John Earl of Westmore- }
 land. }
 _____ }
 MR. Attorney Ge-
 neral of counsel for his
 Excellency the Lord
 Lieutenant of Ireland,

the defendant in this cause, moves to prohibit the
 issuing any attachment against him, and to quash
 the Subpœna which issued in this cause ; whereup-
 on it is ordered by the Court, that Mr. Matthew
 Dowling, the plaintiff's attorney, do attend this
 Court at the sitting thereof to-morrow, and that
 no Process do issue against the said Defendant in
 the mean time.

KEMMIS.

CLONMELL.

On Wednesday the 27th of June Mr. Dowling
 attended the Court in obedience to the above Or-
 der, was ordered on the Table; and being asked
 by the Court if he had issued the Subpœna against
 the defendant, he admitted he had, and that the
 defendant was served with it---He was then asked
 by the Court to declare what the cause of action
 was---(Here the Hon. Simon Butler, one of Mr.
 Tandy's counsel interfered, and protested against
 the question, and insisted that the attorney was
 not to disclose the secrets of his client, and that an
 attempt to sift him for that purpose was contrary
 to law and Justice.) The Court then asked Mr.
 Dowling whether *he* had any objection to answer
 the question---Mr. Butler again interfered and
 said, that as counsel for Mr. Tandy, he was indif-
 ferent whether Mr. Dowling had or had not any
 objection to answer the question, that it was suffi-
 cient that the *Client* had an objection; and that the

privilege of the *Attorney* was the privilege of the *Client*, and he again protested against the question. The court however thought proper to put the question, and Mr. Dowling peremptorily refused to disclose the cause of action. The court not thinking proper to press the question further, Mr. Dowling was dismissed without any other interrogatory.

Mr. Butler thereupon submitted to the court, that the motion of the Attorney General ought to be refused. He argued (in which particular he was strongly seconded by Mr. Mc. Nally) that the defendant not having entered an appearance, no motion on his behalf could be made; that there was in fact no cause in court but merely the *Institution* of a cause by process—*Mr. Butler* further contended that the proceedings in this case were instituted against the Earl of Westmoreland of the Kingdom of Great Britain, and that no document whatever had been adduced which could give the court judicial knowledge that the defendant was Lord Lieutenant of Ireland—the Attorney General had yesterday come into court with a piece of written paper in his hand, which he alledged was the copy of a Subpœna directed to the Right Hon. John Fane Earl of Westmoreland of the Kingdom of Great Britain, and, upon an allegation that the Lord Lieutenant is not liable to any action, grounds a motion, that the Subpœna in this case be quashed or the proceedings stopt—but how did it come officially before the court to know the Lord Lieutenant was the person mentioned in the Subpœna? certainly not by any document or proof competent to warrant a compliance with the motion of the Attorney General. It was necessary that the Earl of West-

moreland should appear, and, on being declared against, plead that he is the Lord Lieutenant, and show his letters patent in proof of the fact, before it can be considered as judicially before the Court.— Suppose the Earl of Westmoreland should come forward to shew his official qualification by his letters patent were without a seal, or otherwise defective in the forms which constituted their legality.— Suppose the Chief Justice of the King's Bench sued merely as Lord Clonmell, the court were not to know him as Chief Justice of the King's Bench, until he first came into court and pleaded and proved that he was so. The court had not in this case a competent judicial knowledge that the defendant was Lord Lieutenant---a judicial knowledge to be competent, must be founded on regular proof of the fact.

Hereupon the court declared that they had judicial knowledge that the defendant was Lord Lieutenant---it would be ridiculous for any man to pretend ignorance of it; they attended his summons to parliament in a judicial capacity; they saw him acting there in the capacity of Lord Lieutenant---they saw him attended with the usual state, and received in all the official dignities of Lord Lieutenant; therefore it was sufficient to announce to their official knowledge that he was Lord Lieutenant *de facto*, and they had nothing to do with the speculations *de jure*; that they had too full a knowledge of the British Constitution, to suppose there were two Earls of Westmoreland of the kingdom of Great Britain, or two peers titled of the same place---that they had besides the evidence of every sense that conveyed information to their mind, and would not, in compliance to systems of special pleading, be prevailed

on to affect a blindness to the evidence of their own senses, to that notoriety which must be impressed on the mind of every man in the kingdom who ever considered the subject for a moment.

Mr. Butler contended, that the court, in deciding the point in the present stage, disposed of a matter by way of *Order*, (from which no writ of error lies) which ought not to be disposed of otherwise than by *Judgment*. If the Defendant appeared and pleaded, the Plaintiff might demur, and from the judgment of the court on the point the party is entitled to his writ of error, and thereby may obtain the decision of the *dernier resort*; though the Lord Lieutenant signs the writ of error, he does so ministerially merely, and not judicially, as the writ of error in civil cases is *ex debito justitia*, and not *ex gratia*; and therefore *Mr. Butler* firmly relied on his opinion as to the necessity of Lord Westmoreland's pleading in Court, and exhibiting documental proof of his being Lord Lieutenant, and begged permission to say, that the Court could not see, hear, nor understand judicially, that the Lord Lieutenant was the person meant, until the defendant appeared and pleaded that he was.

The Court said no man could be heard on this point, as they delivered their opinions.

Mr. Butler observed, that their Lordships had now given their decision upon a point of the very utmost importance, and upon grounds for which he knew no precedent.----But he had in his possession an attested Copy of the Letters Patent appointing the Earl of Westmoreland Lord Lieutenant of Ireland.----By this document it appeared that his official rank as Lord Lieutenant of Ireland

was conferred by Letters Patent under the *Great Seal of Great Britain*, and Mr. Butler did not hesitate to declare, that an official rank, *merely so constituted*, could not be recognized or have any weight in judicial decision of any law court in this Independent kingdom. The Great Seal of Great Britain, in itself, has no more authority in this country than a mere cake of wax, or the Great Seal of the Mogul. The enrollment of it is an enrollment of a nullity, the Great Seal of Ireland was the only public instrument of authority that this country could acknowledge,---in this country the constitution of Ireland only could be acknowledged, and he knew of no constitution that should have weight or consideration in this court, but the constitution of Imperial and Independant Ireland; whether its principles were similar to, or taken from the British constitution was not for him to consider.

Court, Would you, Mr. Butler, be understood to insinuate that there is no legal Chief Governor in this kingdom?

Mr. Butler, My Lords, the regard I have for the peace of this kingdom obliges me to decline an answer to your Lordships question, but the conclusion can be readily drawn from the premises.

Mr. Butler then argued that suppose the Defendant was considered as Lord Lieutenant, it does not necessarily follow that he in this case sued for an act done as Lord Lieutenant; the action may, for what the court know to the contrary, be brought against him in his private capacity.

The Chief Baron said that he in particular had judicial knowledge that the action was brought against the Defendant as Lord Lieutenant, because he was in the vacation applied to by the at-

torney for the plaintiff, to sign a letter missive addressed to the Earl of Westmereland, Lord Lieutenant of Ireland.

Hereupon Mr. Dowling assured his Lordship that such address must have arisen from the mistake of the officer of the court, and was contrary to *his* directions.

Mr. Butler argued that the address of the letter missive would, in case it had been signed and proceedings had upon it, have been evidence merely to shew that the Earl of Westmoreland mentioned in that letter missive was Lord Lieutenant, but certainly would not have been evidence that the Defendant was sued as for an act done by him as Lord Lieutenant : but that letter missive not having been signed or proceeded upon, is out of the question, and cannot be adduced as judicial knowledge of any fact in this case,

Mr. Butler then said, that the question for the opinion of the court was, " whether any action civil or criminal can lie against a Lord Lieutenant of Ireland pending his Viceroyalty ?" a Doctrine is attempted to set up that " that no Civil or Criminal action will *locally* lie against a lord lieutenant *during his Government*" — If this Doctrine be true, the current of Justice will be impeded, and the Rights of the subject will be in danger, for it can be made appear most evidently that no satisfaction can be obtained, either in this Kingdom or in any other against a Lord Lieutenant *after* the end of his Government, for trespasses committed by him during his Government. In every case to repel the jurisdiction of the king's courts, you must shew a more proper and a more sufficient jurisdiction, for if there is no other mode of Trial, that alone will give the King's Court a jurisdiction. Now in this

case it is not shown that an action could be sustained at any other time in this Court or elsewhere—and Mr. Butler said, that he would show the negative, and demonstrate to the court, that after the dissolution of the Government of a Lieutenant, an action could not, with effect, be maintained against him either in Ireland or elsewhere. Ireland is an independant kingdom, and not, within the dominion of the Crown of Great Britain : an action of trespass, *vi & armis*, for a trespass committed in Ireland, is not maintainable in Great Britain, the Trespass was not committed *contra pacem* of the Kingdom of Great Britain—so much for any chance of succeeding in an action in Great Britain. The case of Fabrigas and Mostin was the case of a Trespass committed in a place within the dominions of the Crown of Great Britain, and therefore an action for such trespass was well maintainable in Westminster Hall. As to an action in this Kingdom at the end of the Viceroyalty, it is to be observed, that the Viceroy is a sagacious character, the subject of another realm, to which he might return even before the dissolution of his authority ; in his return to which he was guaranteed and protected even after the cessation of his authority here—where then was the chance of remedy or redress against him after he secedes or is dismissed from Office and returned into his country with his property ? his authority is under the Great Seal of Great Britain ; if not valid, he has no authority ; if valid, the courts here are not competent to decide upon it—and the courts in Great Britain are not competent to take cognizance of a trespass *vi & armis & contra pacem* committed in Ireland.—The statute of limitations may also possibly have operations : in short, if the

doctrine contended for was to hold, a Lord Lieutenant might commit any trespass, might seize the property of the subject, imprison him, torture him, even murder him with impunity——Is the Court prepared to let such doctrine go abroad to the Irish Nation?

Mr. *Butler* was proceeding in his argument, and pressing the subject upon the Court---the Court declared, that they would give the most ample time for deliberation on all sides, and ordered the case to stand over till the next term and to be fully argued.

Counsellor Emmet, for the plaintiff, moved that the Defendant do enter into security for his appearance at Court, on the first day of next term---The Court refused the motion---the Attorney General declared that the lord lieutenant *would not* give security——Mr. *Butler* trusted that he *would* if the Court was pleased to order him so to do.

Monday, November 26th, 1792.

The motion being called on, Mr. *Butler* was directed by the Court to argue his Objections to the motion-----Mr. *Butler* then submitted to the Court his reasons wherefore the Motion of the Attorney General should be refused---He said that the subpoena was issued at the suit of J. Napper Tandy Esq. against the Right Hon. John Fane Earl of Westmoreland of the Kingdom of Great Britain, and that, altho' until an appearance was entered, there was no cause in Court, and that by the Rule of the court, no motion could be made on behalf of any person who was not before the Court, yet Mr. Attorney General alledging that

the defendànt was the Lord Lieutenant, and that as such he was not liable to any action, moves that the subpœna be quashed or that no proceedings should issue upon it, and demands that the court will dispose of that by way of *order* (from which no writ of error lies) which ought not to be disposed of otherwise than by way of *judgment*--- The court having declared their judicial knowledge that the Defendant was Lord Lieutenant, and that the motion was contrary to Rule, and that the matter might well be disposed of by way of order Mr. Butler therupon said that he would not trouble them further upon those points, but enter immediately upon the general question, “ whether any Civil or Criminal action will locally lie against a lord lieutenant during his Government,” for he contended that the court, not having before them any document whereon they could ground a judicial knowledge of the cause of action, could not know whether the writ was instituted against the Defendant for an act done by him in his *politic* or in his natural capacity, and were therefore compelled to decide the *general* question.—He said that the general Inviolability of a Lord Lieutenant from action (if any such he has) must be grounded on his being, in quality of representative of the King, the executive power of this country, and if the inviolability extends to the Lord Lieutenant, it must also extend by parity of reason, to a Lord Deputy and to Lord Justices.—It will be proper to consider in what respect the king stands as to actions --- The original power of jurisdiction, by the fundamental principles of society, is lodged in the society at large; but every nation has committed that power to certain select magistrates; and in England this authority has been immemorially exer-

cised by the king or his substitutes. However, in the times of our Saxon ancestors, and even until the time of Edward the 1st the King, tho' the reservoir of Justice, might have been sued in all actions as a common person, and for that purpose could issue a command to himself, the form of which was, "*Præcipe Henricæ vegi Angliæ &c.*"---1st Comyn's Diget 104.---22d Edward 3d 3---24th Edward 3. 23.---55.---43 Edward 3d. 22---Staunford's *Prærogativa Regis* 42.---Theloal's Dig. of original Writs Lib. 4, ch. 1. S. 3.--- (here the court having questioned the quotation, the first volume of Comyn's Digets was produced and they were then satisfied of its reality, observing only, that there was in Comyns a *dubiatur.*) It is true that at this day the mode of proceeding is otherwise, and that at this day the King cannot be sued as a common person may; for in some time after the conquest, when the feudal system introduced by the Norman Despots was established, the country ceased to be a nation and sunk into a kingdom, allodial and independant Tenures were abolished, the King became every thing, and the people nothing; the common law mode of suing a King became a matter of indecency and it was thought improper that he should be subject to like process as a common person was; command, even by himself, became offensive to his organs of hearing, and in the reign of the 1st Edward who, tho' an able, was a despotic Prince, petition was established in its stead, and has ever since been continued as the mode; therefore at this day, if any person has, in point of property, a just demand upon the King, he must petition him in his Chancery, where his Chancellor will administer right as a matter of *grace* tho' not upon *compulsion*, for the end of such petition is not to compel the Prince to observe the contract, but to *persuade* him; but

as to *personal wrongs*, as they are not to be presumed, if unfortunately they should happen to be committed, the subject is without remedy, for the inviolability of the Chief Magistrate is of more consequence than particular mischief.--- This inviolability from action is however a direct and substantive and incommunicable prerogative, which the king has, in right of his royal dignity, over and above all other persons, and out of the ordinary course of the common law, and it is in its nature singular and eccentric; the emphatical words of Magna Charta, spoken in the person of the King, who in judgment of law is ever present and repeating them in all his courts, are these, "*nulli vendemus, nulli negabimus aut differemus iusticiam vel rectum*," and therefore in every subject (says lord Coke 2d Inst. 55.) for injury done to him by any other subject, be he ecclesiastical or temporal, without any exception, may take his remedy by the course of law and have justice and right for the injury done to him, freely without sale, fully without denial, and speedily without delay ;" the law being the supreme arbiter of every man's life, liberty, and property, Courts of Justice must at all times lie open to the subject, and the king cannot grant any exemption from suits, or communicate his prerogative in that respect to others.

This prerogative, which gives the King inviolability from action, is besides in a great measure founded on his being the Reservoir from whence Justice is conducted, by a thousand channels, to every individual; all jurisdictions of Courts are either mediately or immediately derived from him: their proceedings are generally in his name, they pass under his seal, and are executed by his offi-

ers; he has a legal ubiquity, he is always legally present in all his Courts, and the judges are the mirror by which his image is reflected.—But how can this reasoning be applied to a Lord Lieutenant; he is not the fountain of Justice, jurisdictions are not derived from him, their proceedings are not in his name, they pass not under his seal, and are not executed by his officers; he has no legal ubiquity, he is not legally present in all the Courts, and the Judges certainly are not the mirror by which his image is reflected. The act of the 21st and 22d. Geo. 3. Chap. 49. enacted in the year 1782, when we vainly flattered ourselves with the establishment of our Rights on a firm basis, does indeed make it lawful for a Lord Lieutenant to grant warrants for sealing writs of error returnable into Parliament; but surely this act, passed at such a period, never was intended to operate for the Lord Lieutenant and inviolability from action; tho' the suitor must petition for the warrant, it will not be argued, that the Lord Lieutenant can refuse to grant it, or that the granting or refusing is a matter *ex gratia* and not *ex debito justitiæ*, or that the Lord Lieutenant, in granting it, acts otherwise than ministerial.

Mr. Butler then argued, that if this Inviolability contended for on behalf of the Lord Lieutenant was allowed, it would not only be a delay, but a denial of Justice.—In the case of the King, when the Law says that he shall not be sued as a common person, it points out the petition as the mode of obtaining justice.—In order to repel one jurisdiction, another should be shewn: but in the case of the Lord Lieutenant, no antidote is offered to the poison.—If he be privileged from action during the time of his Government, he never can be

made responsible in this Kingdom for any act done during his Government, or in Great Britain for any Trespass *vi et armis* he may commit here. If he is privileged during his Government, he is privileged in his return home—the home of the Earl of Westmoreland is Great Britain, where he is a Peer and Privy Counsellor, and where consequently the court will presume that he will, in execution of his duty, reside after the expiration of his Government; no process therefore in this country can affect him personally, and any process in this country against his property would be nugatory, he not having any property in this country upon which such process could attach. Suppose that after the expiration of his Government and departure from this Kingdom he should return to it in a private capacity, and an action be instituted against him for an act done during his Government, and that he should justify the act as having been done by virtue of his office of Lord Lieutenant, and make a profert of the letters patent appointing him Lord Lieutenant. If, upon oyer of those letters patent, they should appear to be under the Great Seal of Great Britain, does not the following dilemma present itself? He was either Lord Lieutenant or he was not; the patent was either legal or illegal; if he was not Lord Lieutenant, if the patent was illegal, he was not intitled to any privilege during his Government; if he was Lord Lieutenant, if the patent was legal, no action can be maintained against him in this Kingdom at any time for any act done during his Government, for he may justify any such act under authority of such letters patent, and the courts here are not competent to determine whether the act was warranted by such authority or not, for the effect or extent of the

letters patent of the King of Great Britain which gave the authority, can only be tried in the Courts of the King of Great Britain. In a word, the Earl of Westmoreland is either Lord Lieutenant by virtue of this patent, in which case no action can ever be maintained against him in this country for any act done during his Government, or he is not Lord Lieutenant by virtue of this Patent, in which case no person will contend that he has any privilege whatsoever.

Having endeavoured to shew, that supposing the Earl of Westmoreland to be Lord Lieutenant and as such privileged from action locally during his Government, he never can be made responsible in this Kingdom for any act done during his Government. Mr. Butler proceeded in his argument to shew, that he can never be made responsible in Great Britain for any trespass *vi et armis* committed in this Kingdom.—There is a substantial distinction as to the *locality* of Trials with regard to matters that arise *out* of the Realm; there are some cases that arise out of the Realm which ought not to be tried any where but in the country where they arise; an action of trespass *vi et armis* for a trespass *vi et armis* committed in Ireland is not maintainable in Great Britain, for, the breach of the Peace being merely local, though the trespass against the person is transitory, it must be laid to be against the peace of the King, and the trespass was not committed *contra pacem* of the King of Great Britain.—As to the case of General Moltyn, and other cases of Colonial Governors who were sued after the expiration of their Governments in Westminster Hall in actions of trespass *vi et armis* for trespasses committed in and during their Governments, they are not applicable to the case of

lord lieutenant of Ireland ; they were the cases of trespasses committed in places within the dominions of the crown of Great Britain, and therefore actions for such trespasses were well maintainable in Westminster Hall ; but Ireland is an independent kingdom, and not within the dominions of the crown of England, and therefore trespasses *vi & armis* & *contra pacem* committed in Ireland are not cognizable by the courts in Westminster Hall. — There is another difference very observable between a Lord Lieutenant of Ireland, and Colonial Governors. The lord lieutenant presides neither in a court of equity nor of law ; but the Governor has the custody of the great seal, and is chancellor within his province, with the same powers to judicate that the lord high chancellor has in England ; and the Governor presides in the Court of errors, of which he and the council are judges, to hear and determine all appeals in the nature of writs of error, from the superior courts of common law in the province. — From whence it necessarily follows, that as a man shall not be judge in his own cause, no action is maintainable against a Colonial Governor locally during his government. — Stoke's on the constitution of the British colonies 185. — (Here the court having denied the authority and declared that they never heard of the book or the author, Mr. Butler informed them that the author was a Mr. Anthony Stokes, a gentleman of the Inner Temple, a barrister at law, and formerly chief justice of Georgia, and that his book was published in London, in 1783.) Mr. Butler further to shew that no action was maintainable in England, quoted the trial of Lord Strafford 1st state trials 745, (the illegality of which is universally admitted) where that unfortunate

Nobleman warmly and powerfully contended, that for any offence committed by him in Ireland, he was to be judged by the peers of Ireland.

Mr. Butler having endeavoured to shew, that no action could lie against Lord Westmoreland in Great Britain, and that if he was lord lieutenant and privileged while he was such, no action could be afterwards maintained against him in this kingdom, proceeded in his argument, and expressed his apprehensions, that even were an action maintainable against him in this kingdom after the expiration of his Government, he might plead the statute of limitations in bar, and that the plaintiff could not reply that the defendant had during that period been lord lieutenant of Ireland; the statutes give no such replication; the case of a Chief Governor, is not provided for by any saving proviso: the limitation clause has negative words, it enacts, that the actions therein specified shall be sued with- in the times therein mentioned and *not after*, and the saving provisos make no mention of the case of a Chief Governor, and extend only to the particular circumstances and situation therein mentioned of a plaintiff, viz. minority, coverture, insanity, imprisonment, and absence beyond seas, and not to the circumstance or situation of a defendant, save only in one instance, viz. absence beyond seas.

Mr. Butler said that he would conclude with one case of the very first authority, communicated to him by Mr. G. J. Browne, by which it would appear that in former times, and those not the most affected towards rights of the subject, very different ideas from the present were entertained of a Chief Governor's liability to be sued. In Lord Strafford's state letters, Vol. I. p. 68, there is a

letter from the lord justice to the lord deputy, dated the 26th Feb. 1631. " There was a parish church commonly called St. Andrew's church, situate in Dammes-street in this city, which in former times of disturbance here, by reason of the convenient situation thereof near the castle was used for a stable for the deputy's horses; that church is now legally evicted from us in the Chancery of his Majesty's court of exchequer by the Chapter of the cathedral church of St. Patrick's of Dublin to whom it belongs, and an injunction out of that court is directed to me the Chancellor for the delivering the possession thereof accordingly." There is a decree in the exchequer for restoring the church to the parish from whence it was taken. Mr. Butler concluded with this observation, that the case of St. Andrew's church was clear and decisive evidence, that however high Lord Strafford's notions of prerogative were, however averse he ever was to the rights of the people, he never dreamed of an inviolability from action, and the barons of that day gave an example, in the following of which, the barons of the present day would display that independence and firmness which ought ever to attend the decision, of courts of justice.

Mr. *Emmet*, on the same side with Mr. Butler, began by commenting on the nature of this application. It was made by the Attorney General, avowing himself not to be Counsel for Lord Westmoreland: no cause being in Court on which to ground this application; before appearance, and unsupported by any affidavit. It was not, he said a motion, and it would not be called a motion, if the counsel on the other side could call it by any other name. He would however tell the court

what it was, it was a *message* from a great man, desiring the court to stop the process of the law against him; and he would say on the authority of 2 Inst. 56. that it is exactly that against which the "*nulli negabimus justiciam*" of Magna Charta was enacted. The ground of the application, as stated by the Attorney General on a former occasion was, that Lord Westmoreland would not appear, and that it would be inconvenient and even dangerous to arrest him in the midst of his guards. If by law he cannot be compelled to appear, said Mr. Emmet, the menace was unnecessary—if by law he may be compelled to appear, the menace was *Indecent*. If he can be compelled to appear he *must* appear, and notwithstanding the character given of him by his own immediate advocates, I cannot believe, that while he claims to be the viceroy of this kingdom, he will set the example of resisting the laws to the subjects of his Sovereign. But by law he may be compelled to appear, no privilege exempts him from appearing; for no privilege exempts him from being *sued*. It is a principle of the law, laid down 1st Com. Dig. 104. Title Action (C. 3.) that every subject of the King ecclesiastical or temporal, man or woman, villain or free, may be *sued*," so great was the protection to the subjects right of suing, that the common law mode was preserved even against the King until another was pointed out. For this Mr. Emmet cited 1. Com. Dig. 104. (C. 1.) until "the time of Edward 1. the King might have been sued in all actions as a common person." The Court observing that there was a doubt expressed it that very passage as to the fact. Mr. Emmet said he would cite them authorities in which no doubt was expressed and which would leave no doubt of the fact. He then cited 43. Edward 3. 22. The 1. Dig. L,

4.C. 1, 3 24. Edward 3. 55. and having established that position, proceeded to argue, that even supposing Lord Westmoreland to be what he claimed to be Lord Lieutenant, his privilege is only an emancipation from and cannot be greater than the King's prerogative.—But even the King can be sued by petition, and would still continue suable by the common law mode, if another, more adapted to the subtilty of the times, had not been found out; therefore the Lord Lieutenant must still continue suable by the common law mode, since he cannot be sued in any other way. The Court have no right to quash its process for any thing but irregularity, and none is alledged here. But the only foundation of the application, is, that an action will not lie against the Lord Lieutenant. That may be true, and yet he may be sued. There are many men in many cases against whom actions will not lie, and yet they may be sued and must appear. If the viceroy has such a privilege, he comes too soon.—He must plead it. In *Mostyn versus Fabrigas Cowp. 172.* Lord Mansfield says, if it were true that the law makes him that sacred character, he must plead it, and set forth his commission as special matter of Justification; because *prima facie* the court has Jurisdiction. Mr. Emmet then cited several authorities to shew that this was the Rule of all privileges, and observed that this attempt to avoid pleading and setting forth the lord lieutenant's commission resulted from fear; for his counsel knew that if it was spread on the Record, it might be demurred to, and could be proved to be a nullity. This endeavour to determine the question in a summary way has also another object, to prevent the plaintiff from being able to appeal or from taking advantage of a writ of error; but the very reason ought to induce the

court to refuse the application. A question of novelty and importance ought to be put in the most solemn and conclusive mode of determination, and the Court ought to decline deciding in a manner summary and final on a matter in which the subject ought to have the power of appeal. He next questioned the *dictum* that no action will lie against a Governor locally during his government. It is my Lord Mansfield's, said he, unsupported, as far as I know, by any other authority in the books, and fortunately my Lord Mansfield has given the reason of his opinion; "because upon process he would be subject to imprisonment." The guarded manner of expressing the *dictum* shews its weakness. He says *locally* no action lies; but he does not and could not say that no action would lie against him out of the place where he is governor, and yet his imprisonment in England would as much impede and embarrass his government, as if it were at Barbadoes. But it is not necessary that he should be subject to imprisonment in order that an action should lie. They are every day brought against peers and persons whose bodies are privileged from arrest. If the right of the subject to have remedy for injury must be restricted by circumstances of policy, it ought only to be restricted as far as that policy renders it indispensable.

The principles of the common law and the right of the subject ought not to be sacrificed even to the attainment of that great object, the security of a Viceroy's person, if it can be attained in any other way. The consequence therefore, is, that the Court must so mould its process, as to attain the redress of the subject without violating that privilege. This can be done by making the next process after this subpoena, distress and not attachment, and by letting the plaintiff proceed at his peril to a parlia-

mentary appearance. Mr. Emmet then cited by way of analogy to his last position a case from *Raymond* 152, in which it was determined that an officer of the King's household, whose person was consequently free from arrests, might be sued, so as that the King might not be deprived of his service, and so might be outlawed. He then observed that the inconveniencies of the opposite doctrine would be most monstrous, and shew it cannot be law. Mr. Butler had very forcibly asked, would it be a good replication to the plea of the statute of limitations, that the Defendant was chief Governor? He would also ask, would it be good evidence on a question of twenty years possession in ejectment, that the Defendant was Lord Lieutenant, and that therefore no action could be brought against him? Were the court prepared to say that a Viceroy might contract any debts, might break any contracts, might do any wrong, might commit any crimes of impunity?

Were they prepared to say, that the King by continuing any man to be a Governor during life, might give him, not only a pardon for all crimes, but an indemnity from all civil engagements. The King himself has no such indemnity. Were the court prepared to say, that no action will lie against him as executor or trustee? If they are, they must also say, that he cannot be an executor or trustee. The law says almost as much of the King, it says he shall not be a trustee, and that if he be appointed executor, he shall delegate others against whom actions shall be brought: thus preserving the subjects right to remedy. The Lord Lieutenant certainly can be a trustee, and be sued as such; for he is one in many instances, and actions are brought against him as such every day. Here

Mr. Baron Power intimated that the Court knew the cause of action, for the Attorney General had told it to them; upon which Mr. Emmet replied, that neither the court nor the Attorney General could possibly know, nor had a right to know the cause of action, that no one but Mr. Tandy his counsel, and his attorney could know the cause of action, and that the court if they decide against the plaintiff, must say, that no action whatsoever will lie against the Lord Lieutenant. But, continued Mr. Emmet, if the Governor be entitled to such a privilege as is contended for, he must be a *legal* Governor and *legally appointed*, in as much as the privilege is a *legal* one. The court may know that he is *de facto* Governor, and that may be sufficient to warrant and induce them to pay him every obeisance and attention, or perhaps to sanction any ministerial act which he must do, but he can never have a legal right to a legal privilege in a Court of Law, unless he had a legal right to his office, but he has not a legal right to his office, for he is appointed under the Great Seal of England. It was but lately that some of the ablest lawyers, on the Bench, and at the Bar, were of opinion that the Great Seal of England could not appoint a *Regent* for this Kingdom. Is the court prepared to controvert this doctrine, by asserting the equivalent of its opposite to be true? It is prepared to say, that the Great Seal of England can appoint a *Regent*, for it can appoint a *Viceroy*, whose name and whose functions differ but little from those of a *Regent*. The Attorney General deprecated on a former day the supposition that this country has been for six hundred years without a legal *Viceroy*. To that, said Mr. Emmet, I answer with the sincere wish, that this country may not continue to be, as

it has been for the last six hundred years; its independence was ascertained in 1782, and if there was any abuse crept in before, it ought to have ceased then. For the last ten years, I boldly say, there has been no legal Viceroy in Ireland; and the counsel for Lord Westmoreland will not only not venture to contradict me, but they will not even dare to let his patent get into a train of legal investigation. Mr. Emmet concluded, that this was an application which Lord Westmoreland had no right to make, and which the court had no right to grant.

Mr. McNally, on the part of the plaintiff, wished that the counsel on the part of Lord Westmoreland should then be heard, and that he would reply. But the court having declared that they did not require to hear counsel on behalf of Lord Westmoreland,—*Mr. McNally* declined to speak, alleging that he could add nothing new to what had already been advanced by *Mr. Butler* and *Mr. Emmet* though he was ready to reply to the counsel on the other side.

Mr. George Joseph Brown followed *Mr. McNally* in saying that every thing that could have been said, having been already laid before the Court by *Mr. Butler* and *Mr. Emmet*, he would not trouble them with any observation of his—his industry had supplied him with only one Case, the Case of *St. Andrew's Church* and he had communicated it to *Mr. Butler*, who has already submitted it to the Court.

Lord Chief Baron. "I wish that the counsel on behalf of Lord Westmoreland would apply themselves to one point, viz. in what capacity is Lord Westmoreland sued?" I am clearly of opinion that he is not liable to be sued for any act of

state, but how does it appear that he is here sued for such act—he has two capacities, a natural and a politic capacity—the action may be against him in his natural capacity, and then the question would admit of more difficulty, tho' even then, I incline strongly to think that he is not liable to be sued, however, could it be made appear that he is sued in his politic capacity, the cause would be eased of every doubt.—I have two capacities—I am Barry Yelverton and I am chief Baron; as Barry Yelverton, I am satisfied that he is sued for an act of state, but my satisfaction as chief Baron is not equally certain.

Mr. Prime Serjeant and *Mr. Solicitor General* thereupon strongly insisted, that, from the argument of the plaintiff's Council, it clearly appeared that the action was brought against the Earl of Westmoreland in his public capacity, and that such was the evident tendency of the most part of what they advanced. They further insisted, that the cause of action would appear from the letter of Attorney from the plaintiff to *Mr. Dowling*. They also contended, that the Counsel for the Plaintiff not having denied the allegation of the Attorney General, that the action was brought against Lord Westmoreland for an act of state, joined to the refusal of *Mr. Dowling* the Plaintiff's Attorney to disclose the cause of action, was sufficient to ground a judicial knowledge or presumption that the action was brought against Lord Westmoreland for an act of state.

Mr. Attorney General. If the plaintiff's Counsel will declare that the action is brought against Lord Westmoreland in his natural capacity and not for an act of state, I will immediately enter appearance for his Lordship.

Lord Chief Baron. Mr. Butler, I address you as a man of candour, and desire that you will inform me of the cause of action.

Mr. Butler. I cannot comply with your Lordship's desire, but must be excused from disclosing the cause of action.

Lord Chief Baron. Then I am now satisfied that the action is brought for an act of state.

Mr. Emmet. I trust that your Lordship will not ground an admission of a fact on the refusal of Counsel to disclose it, when the Counsel is privileged in such his refusal. I trust also that nothing will be presumed from the hypothetical arguments of Counsel I cannot inform the court of the cause of action not having been instructed in respect to it.

Lord Chief Baron. I will deliver my opinion on Wednesday next.

Mr. Baron Power said that he was prepared to give his opinion then, and that he would be sorry that the audience should go away without hearing an answer to the very extraordinary arguments they just heard; he said that those arguments were unfounded, and not warranted by Law or constitution. He then entered into a long and elaborate argument in favor of the constitution principally extracted from the first volume of Blackstone's Commentaries--He said that he would not give any opinion whether a Lord Lieutenant is suable in his natural capacity or not, it was unnecessary, as the question does not arise; if such question ever should arise, he would feel little difficulty in forming an opinion.---He said that he had judicial knowledge that the present action was brought against the Lord Lieutenant for an act of state, for every matter is taken for granted when it is as-

serted on one side and not denied on the other, that the Attorney General had asserted that the action was brought for an act of state, and the other side not having denied the assertion, it shall be considered as true, the action is therefore brought against the Lord Lieutenant for an act of state, and he declared himself to be clearly of opinion that for an act of state, no action could be brought against the Lord Lieutenant.

Mr. Emmet begged leave to assure the Court, that he was not ignorant of the principles laid down by the learned Judge; for he had read the first Volume of Blackstone's Commentaries.— But he had not noticed them, because he did not conceive them to apply to the present case.

Court. Let the motion stand over until Wednesday next.

Wednesday, Nov. 28th,

The following LETTER OF ATTORNEY was read.

Copy of a Warrant of Attorney, from James Napper Tandy, Esq. to Mathew Dowling, Attorney, to commence and prosecute Suits.

Dated, April 26th, 1792.

WHEREAS, James Napper Tandy, of "Bride-street, in the City of Dublin, Esq. was
"arrested on the 22d day of February last, by
"one of the messengers attending the House of
"Commons, and was also arrested on the 18th

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“ day of April, inst. by one other of the said mes-
 “ sengers, which arrests were alledged to have
 “ been made under, and by the virtue of a war-
 “ rant, signed by the Right Hon. John Foster,
 “ Speaker of said House. And whereas, a Pro-
 “ clamation has several times of late been published
 “ in the Dublin Gazette, reciting the said arrest
 “ of the 22d of February, and that said James
 “ Napper Tandy having made escape therefrom,
 “ had been guilty of a gross violation of the privi-
 “ leges of the said House. Also reciting an ad-
 “ dress from the House of Commons, to issue a
 “ Proclamation for apprehending said James Nap-
 “ per Tandy, and which Proclamation required
 “ and commanded all persons whatsoever, to ap-
 “ prehend the said James Napper Tandy, and
 “ carry him before some of the Justices of the
 “ Peace, or chief Magistrates of the County,
 “ town, or place, where he should be apprehend-
 “ ed, who are thereby respectively required to
 “ secure the said James Napper Tandy, so appre-
 “ hended, and thereof to give speedy notice to
 “ the Right Hon. the Speaker of the House of
 “ Commons, the Serjeant at Arms attending the
 “ said House, and to the Clerk of the Council, to
 “ the end he may be forthcoming to be dealt
 “ withal and proceeded against according to law.
 “ And that for the prevention of the escape of the
 “ said James Napper Tandy, into parts beyond
 “ the Seas, said Proclamation did require and
 “ command all officers of the customs, and other
 “ officers and subjects of and in the respective
 “ ports, and maritime towns, and places within
 “ the Kingdom of Ireland, that they and every of
 “ them in their respective places and stations,
 “ within the said Kingdom, should be careful and
 “ diligent in the examination of all persons that

" should pass or endeavour to pass beyond the
 " seas, and that if they should discover the said
 " James Napper Tandy, then to cause him to be
 " apprehended and secured, and to give notice
 " thereof as aforesaid. And the said Proclamation
 " did also strictly charge and command all per-
 " sons as they would answer the contrary at their
 " perils, that they should not any way conceal,
 " but should discover the said James Napper Tan-
 " dy, to the end he might be secured. And for the
 " encouragement of all persons to be diligent, and
 " careful in endeavouring to discover and appre-
 " hend the said James Napper Tandy, said Procla-
 " mation did further declare, that whosoever
 " should discover and apprehend him, the said James
 " Napper Tandy, and should bring him before
 " some Justice of the Peace, or Chief Magistrate,
 " as aforesaid, should have and receive as a re-
 " ward, the sum of fifty pounds. And whereas,
 " the said James Napper Tandy was arrested by a
 " man of the name of John Knight, and kept in
 " custody for half an hour, and it was alledged
 " by said Knight, that such arrest was made by
 " him in obedience to and by virtue or under co-
 " lour of said Proclamation.—Now, know all
 " men by these presents, that I, the said James
 " Napper Tandy, do hereby constitute, and ap-
 " point, direct, authorize and empower Mathew
 " Dowling, of Great Longford-street, in the ci-
 " ty of Dublin, gent. one of the Attornies of his
 " Majesty's Courts of Exchequer, King's Bench,
 " and Common Pleas, in Ireland, to commence,
 " institute, carry on and prosecute one or more
 " action or actions, at my suit and in my name,
 " against such members of the Privy Council as
 " signed the said Proclamation, also against the

“ Printers or Publishers of the Newspaper called
 “ the Dublin Gazette, and against the said John
 “ Knight, or to prosecute the said Knight, and al-
 “ so against the Right Hon. John Foster, Speaker
 “ of the House of Commons, the Serjeant at Arms,
 “ and Messengers attending the said House, the
 “ Sheriffs of the county of the city of Dublin, the
 “ Goaler of the New Prison, and all and every
 “ person and persons who acted in any manner un-
 “ der the said Warrant or Proclamation. And for
 “ these purposes to take all such steps and proceed-
 “ ings in any of the law or other courts as he may
 “ be advised, or deem necessary or expedient.
 “ Hereby ratifying, allowing, and confirming all
 “ and whatsoever my said Attorney shall do, or
 “ cause to be done in the premises. In witness
 “ whereof, I have hereunto set my Hand and
 “ Seal, this 26th day of April, in the Year of our
 “ Lord, 1792.

Signed, sealed, and deliver- } J. N. TANDY, Seal.
 ed in the presence of us,
 THOMAS DOWLING,
 JAS. NEWENHAM CURTIS.

Lord Chief Baron. I am now ready to own
 that I am glad I postponed giving my opinion to
 this time, because a document has been read which
 throws new light upon the subject, and which
 shews the action to be commenced against Lord
Westmoreland for an act done in his politic capacity.
 The question therefore is not a general one,
 “ whether a Lord Lieutenant in his government
 may be sued for an act of power,”—but, “ whe-
 ther he may be sued for an act of State.” I did
 very early declare, that no man could maintain an
 action against a Lord Lieutenant for an act of
 State during his government. The acts of State

done by a Lord Lieutenant, like those of the King, are all counter-signed by responsible ministers, and if he be advised to do any thing unconstitutional by them, they are responsible for it—but I do not found this opinion upon any distinction between the natural and politic capacity in the person of the Lord Lieutenant. There is not any distinction of that kind that does not apply equally to the King : he performs in his natural capacity all the functions of nature : he eats, drinks, and sleeps :—and any other act done by him, whether public or private, is done by him as a corporation sole, and therefore it is, he cannot depart from any matter of state but by matter of record, and this does not extend less in the case of a Lord Lieutenant, I found my opinion upon the broadest grounds : not upon the law of any particular state, but upon the law of nature and nations. It is a question in which not Ireland or Great Britain only are concerned, but every orderly government.---I found it upon this, that so long as he is Governor, so long as he is the executive power, he cannot be called upon. Anciently he enjoyed many more privileges than he does now, almost every prerogative which the Crown enjoys at this day, he once had ; it appears from history he declared peace and war and gave the Royal assent, *rege inconsulto*.---Now, it is not given, but in the name of the King.---There is an entry in the Journals, *Le Seigneur Depute le veut*. But now by a wholesome law these powers are restrained. But still he cannot be sued. In every country there is some authority lodged somewhere : this power is divided into the legislative, the executive, and the judicial, and it is from the different combinations of those three different powers that arises all the difference of the Govern-

ments existing in the world.---But where there is an executive power particularly, it is necessary to the end of Government it should be sacred and inviolable ; for the moment the liberty of the person of the executive power is restrained, the moment the free agency is taken away, that instant the Government falls, there is an end of all Government, the moment the executive power is violated. I have said, this is not a question merely of the municipal Law of Ireland or England, but of the Law of Nations, and to shew that it is, look into *Puffendorf de Officio hominus & civis* treating not of the law of this state or that, but of the law of Nations.---He says, " If the subject be agrieved by a Sovereign he cannot maintain an action, or oblige him to redress, he may persuade him if he can."---But look at higher authority, that of the celebrated *Locke in his Essay on Government*: he lays down the same position, and he founds it, not upon any distinction between the natural and politic capacity, but upon this broad bottom, that it is better a private mischief should ensue to an individual, than the peace and security of Government should be violated by an attack upon the Magistrate executing the power of state.---He puts the case of a heady Prince coming to the throne and doing private acts of mischief, but although these mischiefs may exist, they happen so rarely, and travel through so small an extent, it is better to put up with them."---This, it is observed, is carried so far in the case of a King, that even for a matter of private concern, he cannot be sued otherwise than by petition, bringing it to the case in *Puffendorf*, he may persuade if he can, but he cannot compel him ; and therefore it is upon that ground, that the King is suable by petition or *monstrans de droit*,

and this whether the matter be of a public or private nature, and if I were called upon for an opinion whether the Lord Lieutenant can be sued for an act of a private nature ; I would say he cannot perhaps he may be sued in *auter droit* ; but with respect to himself he cannot. If process could issue against him his person might be imprisoned, he might be seized under colour of a suit, even when going to exercise one of the Royal functions committed to his charge, when going to meet the Parliament of the Country. If this doctrine could be maintained, he might have been arrested when going to give the Royal assent to that act which established our right of being an ancient independent Kingdom....But it is said great mischiefs will follow ; limitations will run ; a Lord Lieutenant may be continued for life ; he may do wrong and the subject be without redress....To that I answer, it is indecent to put any such case, and it might as well be put in the case of a King ; he may do wrong, commit murder, assassination, injury of every kind, and the subject is equally without redress. But the law will not admit any such notion and it is highly indecent for us to suppose it. But I am happily relieved from the necessity of giving any opinion upon the “ point whether he may be sued for any act done by him in a private capacity,” when it appears now, by unquestionable evidence under the hand and seal of the plaintiff, he avows he sues him for an act done by him as Lord Lieutenant :---I am satisfied he cannot be sued in that capacity, and therefore the motion must be granted, namely, the process ought to be quashed as having issued improvidently....With regard to what has been said about the letter missive, it is true, I was applied to for it, but the reason which

veighed with me for refusing it, was, that if I signed it, I would give my sanction to the process; whereas I wished it should stand upon its own strength or weakness. A passage was cited from Strafford's letters.—I looked into the book and I find it was truly cited; but it cannot be received as law now.—One of the deputies had been served with an injunction, commanding him to give possession of Patrick's church which had been used as a stable....Put the case that the Chancellor forming a part of the executive Government had refused to obey---his person might be taken and what would become of the executive power, the Government would be suspended; it is better, I say, that a private injury should be sustained by an individual, than that there should be no Government in the country; and how ready people are to contend that there is no Government in the country is evident, as it was argued by the gentlemen, who, to do them justice, spoke ably, that we were at this instant actually without any legal Government; for they did assert and argue we had no legal Lord Lieutenant in the country....It is unnecessary to argue that we have *de stricto jure* ---while in the executive power of Government he is Governor *pro hac vice*.

N. B. "In the case of Lord Donegal against Hamilton, in giving his opinion the same day, the Lord Chief Baron said, I am unwilling to give my opinion whether the King has a right to grant any thing in this kingdom under any seal but the great seal of this his kingdom of Ireland; but I confess I am inclined to think at present that he cannot."

Mr. Baron Hamilton. I do not wish to resort to any doctrine of our court, or law of this country

to support my opinion ; I found myself upon principles that must belong to every Government in the world.—The question is, shall we suffer a process to issue where the Executive power of this Government may be put into restraint, I may say into prison.—I beg to know, can such a proceeding as that be found in the history of mankind ? In any Government, however free the most democratical that ever existed, even in France, notwithstanding all their confusion, they hold the Executive power inviolable. Can any Government exist, if there be not an executive authority to carry the laws into execution ? —What will avail all your laws if it be in the power of an individual to issue out process and confine the executive authority ? It is very well known that the acts of a Governor relate to every one ; what a monstrous doctrine it would be, that every one of the individuals who feel themselves aggrieved or affected by the proceedings of a Governor, should have a power each to bring an action : the Law of the country would become useless ; no government could subsist if that procedure prevailed.—The Counsel for the plaintiff could not avow that the Governor could be sued in his public capacity, because they refused to declare in what right he was sued.

Mr. *Butler* humbly conceived that the Lord Chief Baron was mistaken in a matter of fact, in conceiving that the warrant of attorney which had been read, had any relation to this cause ; it gives no authority to Mr. Dowling to sue the Earl of Westmoreland either in his politic or natural capacity, and is not therefore any evidence, under hand and seal of the plaintiff, of this action being brought against Lord Westmoreland as Lord Lieutenant, for an act of state or otherwise.

Lord Chief Baron. If you had done me the honour to attend to me, you would perceive my reason for noticing the letter of attorney, which though it does not authorize an action against Lord Westmoreland, yet in a great measure explains and gives a complexion to the whole transaction, upon the whole I am satisfied that this action is instituted against the Lord Lieutenant in his politic capacity.

Court, Let the subpoena be quashed.

James N. Tandy, Esq. }
 against }
 The Right Hon. Arthur } THE declaration in
 Wolf. } this case was filed on the
 15th day of November,
 1792. It is for causing to be printed and published an unlawful and libellous publication and consists of four counts—first, an unlawful publication in the words and figures—second, an unlawful publication of the tenor—third, a libellous publication in the words and figures, and fourth, a libellous publication to the tenor.-----The publication complained of by the declaration, was a proclamation purporting to be issued by the Lord Lieutenant and council of Ireland, commanding the arrest of the plaintiff and offering a reward for the same, in the declaration; the proclamation is set forth in manner following---“By the Lord Lieutenant” (meaning the Right Hon. John Fane Earl of Westmoreland of the kingdom of Great Britain commonly called, but not of right the Lieutenant

General and General Governor) "and council" (meaning the assembly of persons commonly called but not of right the Right Hon. the privy council of Ireland) "A proclamation Westmoreland" meaning the afore said Right Honourable John Fane, Earl of Westmoreland of the kingdom of Great Britain) "Whereas" &c. &c.

The ground for using these expressions was, that the Earl of Westmoreland received his appointment as Lord Lieutenant of Ireland under the Great Seal of Great Britain, and that consequently he was not legally Lord Lieutenant of Ireland, or such a person as could receive the oath of a privy counsellor.

On Wednesday the 28th of November, 1792, Mr. Franklyn on behalf of the defendant moved that the declaration filed in this cause might be taken off the file, or that such parts thereof as alledged "that the present chief Governor of this kingdom is not so of right, and that the present privy council of this kingdom is not of right the privy council thereof" might be expunged; and in case the court should refuse to take the declaration off the file, that the defendant might have time to plead until the next Term.

Baron Power. This is motion of course—refer it to a Baron.

Lord Chief Baron, No---I will not refer it---I will expunge the scandalous parts *instantly*. Let the declaration be read.

The Declaration was hereupon read.

Mr. Baron Power. I concur with the Chief Baron---I will expunge the scandal instantly---those passages are prolix, impertinent and scandalous---I do not stop here: those who signed the declaration should be punished.

Lord Chief Baron. Who signed the declaration?

Mr. Kemmis, the agent for the defendant read the names "Simon Butler and Thomas Addis Emmet," as those signed to the declaration.

Lord chief Baron. Who is attorney for the plaintiff?

He was answered that the attorney was Mathew Dowling.

Mr. Butler. It was not my intention to trouble the court this day---After what I heard from the court on Monday---after what I have heard this day from the bench---after what has passed this day in the court of common pleas, where though I could not offer my sentiments on behalf of my client, on account of the motion having been made on the part of his majesty, yet where I had the satisfaction of hearing every thing said and urged on behalf of the plaintiff that could be said or urged---I say, my lord, that after the very decided opinion of the court, I should merely have entered my protest to the order sought for by the defendant---but as a threat has been thrown out from the bench against those who have signed the declaration it becomes my duty to enter at large into the motion and shew to the satisfaction of every honest and unprejudiced mind, that the parts sought to be expunged from the declaration are not prolix, scandalous, or impertinent, but relevant and necessary to the plaintiff's case.

Lord Chief Baron. What threat has been thrown out? I know of none.

Baron Power. You entirely misunderstand the court---I did not allude to the gentlemen of the bar who signed the declaration---I alluded to the Attorney whose name appeared to the declaration.

Mr. Butler. I am happy to hear that the court did not allude to or mean to censure the gentlemen of the bar who signed the declaration--but as the court is pleased to say that they alluded to the attorney, Mr. Dowling, who signed the declaration as attorney for the plaintiff. I request to be heard a few words: Mr. Dowling is merely agent--he acts by the direction and is under the controul of counsel--the warrant of attorney which the court has before them directs that he should act under the direction and be subject to the controul of counsel--having informed your Lordships what the duty of Mr. Dowling is, I will now inform you, that he has preformed it--and in no respect exceeded it--every act done by him in this cause has been by the direction and from the advice and under the controul of counsel,-- he has not in any respect acted from himself or independant of the advice and even direction of counsel---He is not responsible, he has only performed his duty---If there has been any impropriety, the counsel are to be blamed---If any censure is to fall, let it fall upon the counsel; and if any punishment is to be inflicted, let it be received by the counsel---I make this declaration publicly as one of the counsel, and if I had not, I would be ashamed ever to raise my voice again in this or any other court.

Mr. Butler was followed by Mr. Emmet, who as one of the counsel declared his responsibility, and that Mr. Dowling, throughout the business acted merely as attorney and under the expresse direction of counsel.

Lord Chief Baron. I am not decided in my mind as to the course which ought to be taken by the Court on this occasion---we will consider of it, and do what shall appear to be proper.

Mr. Butler. It is then my duty to enter at large into the cause and shew to the Court, that the words in question are not prolix, scandalous, or impertinent, but that on the contrary they are relevant to and very material for the plaintiff's case.

Lord Chief Baron.---You are certainly at liberty to satisfy the court, if you can, as to the relevancy of the words; but in so doing, I must inform you that the court will not suffer you to question the legality of the Lord Lieutenant's patent---that point shall not again be argued in this Court.

Mr. Butler. They seek to expunge the words, "commonly called but not of right."---Before I shew the relevancy, I will shew the truth of the words---I will shew that the Earl of Westmoreland is not of right the Lord Lieutenant of Ireland, and that the privy Council are not of right the privy Council of Ireland.

Lord Chief Baron. I will not suffer that matter to be argued; I have already told you so---I repeat it---From the ferment of the Public mind, I do not know whether I shall sit another year upon this bench; but were this the last time of my sitting here, I would resist every attempt to shew that there is no legal executive power in the country.

Baron Hamilton. This may possibly be the last year of my life, but were it the last moment of my life, I would not suffer any man to argue that there is no legal executive power in the country.

Mr. Butler. I did hope that I should have been permitted to argue the case of my client in such manner as to me seemed most advisable---I recollect the conduct of the first advocate of England, when directed by the majority of the House of Com-

mons to confine his argument on behalf of his client to certain points; Mr. Erskine declared; that in the argument of his client's case, he would not be dictated to by any power, and that unless he was permitted to argue the case of his clients in such manner as he thought most for the benefit of his clients, he would not make any argument.---I will follow so great an example, and declare to this court and to the Nation that, as I am not permitted to argue the cause of my client in such manner as I think most for his benefit, I will sit down.

Lord Chief Baron. I am far from dictating to any gentleman the manner of laying his client's case before the court---it is not my nature, and it never was my practice but I must again declare, that I will not suffer any person to argue that there is no legal Chief Governor in this country.

Court.---Let the words be expunged and let the defendant have time to plead until the first day of next term.

James N. Tandy, Esq.
against

Timothy Dyton and
St. George O'Kelly Esqs.

THIS is an action for printing and publishing and causing to be printed and published an unlawful and libellous publication, and contains four counts similar to those in the last mentioned action.

Mr. Frankland on behalf of the defendants moved the court for liberty to withdraw the plea filed by the defendants, and that the declaration might be taken off the file, or that those parts

thereof wherein it is alledged that the present Chief Governor of this kingdom is not so of right and that the present privy council of this kingdom is not of right the pricy council thereof, might be expunged.

Counsel on behalf of Mr. Tandy were silent.

Court.—Let the defendants have liberty to withdraw the plea, and let the words be expunged, and let the defendants have time to plead to the first day of next term.

James N. Tandy, Esq.
against
The Right Hon. John
Foster.

THIS is an action for
false imprisonment on the
22d of February and 5th
of May 1792.

Mr. Frankland on behalf of the defendant, moved the court for time to plead until the next term.

Mr. Frankland, said, that no trial would be thereby lost, as the defendant would justify under an order of the House of Commons.

Counsel for the plaintiff were silent.

Court. Let the defendant have time to plead until first day of next term.

Wednesday, 28th November, 1792.

COMMON PLEAS.

James N. Tandy, Esq. }

Plaintiff

The Right Hon. John }

Lord Baron Fitzgibbon }

Defendant :

T

HIS is an action for causing to be printed and published an unlawful and libellous publication, and contains four Counts

similar to these contained in the declaration against Mr. Wolfe.

Mr. Attorney General, on behalf of his *Majesty*, moved that the writ of summons might be superseded, and that the declaration might be taken off the file, or that such parts thereof as alledge that the present Chief Governor of this Kingdom is not so of right, and that the present Privy Council of this Kingdom is not of right the Privy Council thereof, might be expunged.

Mr. Attorney General said, it was not only competent to him as Attorney General, to inform the Court of any matter, but, in particular cases, it was competent to any man to give such information to the Judges, as *amicus Curie*. He had a right to do so, as *amicus Curie*, when any indecency, immorality, or matter injurious to the state, appeared upon the record of the Court, in order that such matter should be expunged. The declaration or bill which had been put upon the file of the Court by the plaintiff against the defendant, and the writ of summons which issued thereupon, he considered seditious in tendency, scandalous to the state, and insulting to the Court. 'Tis said the Lord Lieutenant of Ireland was not Lord

Lieutenant of right, that the Privy Council of Ireland is not Privy Council of right. This is not less than alledging that there was no Government in the Country. He trusted that the Court would immediately, peremptorily, and unequivocally decide upon the motion he had made, that the dangerous and absurd idea, of the Country being without a Government, might not for a moment go abroad to deceive and to mislead the people. If the suggestion was true, the Court had no jurisdiction, the Judges had no authority to act under. The Counsel who drew the bill and advised the measure, were not, he presumed, apprised how Lord Lieutenants were appointed. They were, and had been for six hundred years past, appointed by the King's will, made known under the great seal of England annexed to letters patent; when he arrives in this Country, the sword of state is delivered into his hands, in the presence of the Council, by those who preceded him in office, and he takes the usual oaths. This is the only legal mode of appointing a Lord Lieutenant—

Mr. Justice Hellen. I coincide with the Attorney General that the Court should immediately decide upon the question. The suggestion that the Earl of Westmoreland was not Lord Lieutenant of Ireland of right, and the Privy Council, Privy Council of right, he considered as a position fraught with the most dangerous consequences.

The Chief Justice enquired if any Counsel attended on the part of the plaintiff.

Mr. M'Nally answered, that he and *Mr. Emmet* were of Counsel for the plaintiff, *Mr. Tandy*; that he was not unprepared as to the question hereafter to come before the Court, if the defendant thought proper to justify by plea or by evidence, or he had considered the question, and prepared

himself with sedulous industry; but he thought it would be imprudent in him at this early stage of the proceedings against the defendant to communicate the principles and grounds upon which he proposed hereafter to contend, that the appointment of the Earl of Westmoreland to the office of Lord Lieutenant was not legal, but on the contrary, inconsistent with the Constitution of this Country.

He observed that Attorney General had come forward as an *amicus curiæ*—this was the first time he had ever seen an *amicus curiæ* come forward to make a motion with a Brief in his hand, and that Brief marked with a fee—an *amicus curiæ* was authorized to inform the Court of matter of law if the Court was in Error, but until this day he had never heard an *amicus curiæ* attempt to argue as counsel for a party upon motion—Here—

Mr. Justice Hellen interrupted Mr. M'Nally who, his Lordship said, must have misunderstood the Attorney General; for the Attorney General has not stated that he had appeared as an *amicus curiæ* but that an *amicus curiæ* might with propriety give the same information to the Court as he was going to give in his character of Attorney General.

Mr. M'Nally assured the Court that he had not the slightest intention to mistake what had fallen from his Majesty's leading Counsel; a gentleman for whose learning and abilities he had the highest respect; but he was led into the mistake by a very extraordinary signature which appeared at the bottom of the notice served upon his client. The whole case before the Court was extraordinary and novel, but perhaps the signature to the notice was the most extraordinary and novel that ever appeared in Court. The notice was signed "Tho-

mas Kemmis, Attorney to his Majesty," now if Thomas Kemmis was Attorney to his Majesty, in what situation was the Right Hon. Arthur Wolfe? were there two Attorney Generals—Attorney General Wolfe and Attorney General Kemmis? or did Mr. Attorney General Wolfe slide out of his place *pro tempore*, for the purpose of letting Mr. Thomas Kemmis slip in *pro tempore*, and act as Attorney General in the actions pending against the Privy Counsellors who caused the advertisement in question to be published? If that was the case, he was warranted in supposing that the Right Hon. Arthur Wolfe was acting solely in the situation of an *amicus curiæ*.——

Mr. Mc. Nally then argued that the notice was bad—It was bad as being too general. It called upon the court to expunge certain words, but it did not state any cause for expunging those words—it did not state that those words were superfluous, impertinent or scandalous? whereas; it should have specially stated at least one of those causes whether the words complained of deserved the epithets applied to them, he trusted the court would not now determine, but grant a conditional order that the plaintiff's counsel might shew cause why they should not be expunged.

Mr. Solicitor General and Mr. Prime Serjeant said a few words each to the question in which they followed.

Mr. Attorney General, in stigmatizing the words excepted to, as being in their tendency seditious and scandalous. They applied to the court that the Sherriff should instantly return the writ of summons; which, being together with the declaration or bill, brought into court, and the words complained of, read by the officer, the Attorney

General, having made a few further observations on the pernicious effects of the words "but not of right," called on the court instantly to supersede the writ and expunge the words from the declaration, and not merely grant a conditional order.

The Court, thereupon, called on Mr. Tandy's counsel to shew cause *instantly*, why the writ of summons should not be superseded, and the words "but not of right" expunged from the declaration or bill.

Mr. Emmet, hoped the court would only grant a conditional order, when he assured them, that he himself was then exceedingly indisposed, and utterly unable to do his client justice, and when he further informed them, that, in consequence of the motion being made on behalf of his Majesty, Mr. Tandy was deprived of the benefit of Mr. Butler's assistance, who, as king's counsel, conceived himself precluded from opening his mouth, until he could obtain a licence. The court expressing their resolution to determine the question without further delay, Mr. Emmet proceeded.

He acknowledged that he had signed the declaration or bill on which the writ of summons was grounded. This he thought it necessary to say in consequence of the many charges of scandal and sedition that had been thrown out against the declaration or bill. If the allegation which denied the authority of the Lord Lieutenant was seditious who was answerable for that sedition but those who dragged it from out of the peaceful obscurity of a record of the court, and forced it into public attention? If any of the evil consequences mentioned by the Attorney General were likely to ensue from such a discussion they must be imputed--not to the plaintiff's counsel who had inserted the allegation

in law pleadings, which few or none would ever see, and where it was material to their clients action.--But to the officious officers of the crown who had given publicity to the assertion, they were unable to refute ; who had selected it for argument in a crowded court ; and by premature motions rendered the discussion necessary. It would have been wiser in them silently to correct the error in the Viceroy's appointment ; than to shew pertinacious attachment to an abuse, after the principle of English supremacy, from which the abuse has grown had been abandoned. Or, if there be no such error, why do they not justify and bring the question forward on a solemn argument on the pleadings rather than endeavour to crush it by the summary mode of motion.

Having pursued these observations to some length, he insisted on it as a rule of law, that the court would never expunge any matter from a declaration or bill, however scandalous or seditious it might be, if it was necessary to the plaintiff's cause of action, or if it went in aggravation of damages—apply that rule here.--Suppose the proclamation complained of to be in its nature and tendency such as a legal Chief Governor and privy council would have been well warranted in issuing, yet surely it would in itself be sufficient to give the plaintiff a right of action, if it were issued by persons having no authority so to do, and who had *accroached* to themselves nothing less than a sovereignty which did not belong to them, and assumed the place of executive power. If the Proclamation was in itself illegal and insufficient to resist an action, yet even there it would exceedingly increase the injury and would go in aggravation of damages that such

an illegal Proclamation was issued by such persons as he had already described.

There is another reason why the court ought not to expunge the words excepted to ; they would never make any alteration in any part of a suitor's pleadings that might lay them open to a demurrer. He did not absolutely say that was the case here ; but it certainly was a matter of some doubt, whether if those words were expunged the defendant might not demur to the declaration or bill ; and he trusted the court would not comply with the motion until they were ascertained that that could not be the case.

In arguing on this motion he had hitherto taken it for granted, that Lord Westmoreland *was not of right* the Lord Lieutenant of Ireland. It was no more than the truth.—The counsel for the crown, in order to excite the pride and prejudices of the court, had said that the plaintiff's counsel denied its jurisdiction in certain cases, in as much as certain of its processes were signed by the Lord Lieutenant. He would be exceedingly sorry that the jurisdiction of that court was necessarily connected with the mode of the Viceroy's appointment—his acts with regard to that court were merely ministerial ; but even if he said that the power of the court ceased for the present, in consequence of the illegal appointment of the Viceroy, he did not argue against its jurisdiction in the abstract, and he only urged an additional motive for correcting the illegality. It ought not to offend the court even if he did assert an occasional suspension of its jurisdiction in certain cases. All the courts of Westminster Hall asserted the same thing of themselves in every case at the revolution ; for when it was declared that King James had abdicated, they all

shut, and continued so until the vacant Throne was filled by the appointment of William.

The Attorney General had almost confessed that the objection against Lord Westmoreland's appointment was irresistible from his mode of answering it. He had said that the patent under the great seal of England was only a declaration of the king's will—that is, tacitly confessing that it was not competent to do more than barely declare the King's will—but if such a declaration only was sufficient that was done by the order to be sworn in that every Lord Lieutenant brings over under the sign manual; or why was he not appointed merely by delivering to him the sword of state?—the reason is, because, to the appointment of a Governor, not only a declaration of the King's will is necessary, but also a delegation of power by a sufficient and legal instrument giving him a right to exercise authority. But no power belonging to the independent King of Ireland can be delegated by an instrument that derives all its validity from the authority of the King of England. The great seal of England cannot constitute an officer to act under the authority of the King of Ireland.

The Attorney General had argued a good deal on all Lord Lieutenants having been so appointed for upwards of six hundred years. The argument is not fair;—many abuses crept into this country for the last six hundred years, because its constitutional connection with England was but little known or attended to. If that had not been the case, there would have been no necessity for the revolution in 1782. Since that time it might be fairly asserted that there has not been a legally appointed Chief Governor in Ireland.—But wherefore was this abuse suffered to remain after the other abuses

abolished by that revolution, or wherefore was it so obstinately contended for at present, if it was not retained for some evil purpose? Mr. Emmet concluded by hoping the court would not do so great an injustice to the plaintiff as to expunge from his declaration or bill, that which was true and which was also *material* to his action.

The Chief Justice asked Mr. M'Nally whether, he intended to offer any thing further against the motion.

Mr. M'Nally said he was certainly fully prepared to prove before his country, that the Great Seal of England was incompetent to appoint any legal jurisdiction or office of state in Ireland; which, since the revolution of 1782, could not be considered as bound by any delegated power from the crown of Great Britain. Whenever the authority of Ireland came to be questioned, whether in the Common Pleas, the King's bench, or before parliament, he had no doubt of being able to shew from constitutional principles, illustrated by sacred authorities, that letters patent under the Great Seal of Great Britain were insufficient and inoperative in Ireland.—He had determined not to speak to this question till it came in a more solemn manner before the court by the pleading of the defendant, but as the point had been broken by the motion before the court, he would make one observation which he considered of weight—it was this. In 1782 it became a question in what manner the royal assent should be given to bills, the King of Ireland being resident in Great Britain, and a bill was brought into the Irish Commons, he believed by Mr. Yelverton, now Lord Chief Baron, to adjust that very serious point. By this bill it enacted, that all Bills, in order to receive the royal

assent, should be transmitted to England under the Great Seal of Ireland, and having received the royal assent there, be returned under the Great Seal of England into Ireland. Now, said Mr. M'Nally, if, in the opinion of the Legislature of Ireland, the Great Seal of England had recognition in Ireland, why enact a Statute to give it recognition in any particular instance? This act he said might be considered as an exception, strengthening the general and great constitutional position then before the Court, that the Great Seal of England was not recognized in this independent country.

Mr. *Attorney General* assured the court that it was not the intention of the Chancellor to delay the trial; but that his Lordship would take defence with all possible expedition.

Lord Carleton. This writ of summons having been returned, and an attested copy of the Declaration or Bill having been produced, the proceedings are before the Court, and they have judicial knowledge of the exceptionable parts.

The question is narrowed by what has fallen from the plaintiff's counsel; they deny that the Lord Lieutenant has legal authority, and the court ought not to entertain a doubt for a moment of its duty to satisfy the public that there is a legal government in the country. The manner in which the question has been discussed forces the court to this declaration, for if the arguments of counsel be just, there neither is, nor has been for ages past, a legal government in Ireland.

It is true as has been stated by one of the plaintiff's counsel, that, if scandalous matter inserted in the declaration or bill be relevant, and has a tendency to encrease damages, the court will not ex-

punge it merely because it is scandalous matter ; but that it is not the case here.—It is not relevant to, or material for the plaintiff's case, and therefore the insertion of it was not necessary.

The court will take notice that Lord Westmoreland is legally Lord Lieutenant of Ireland.

The court of Exchequer has decided so, and the public good requires that we should decide so.

We are bound to know the privy council and its powers, we are bound to know it as a privy council by right.

An objection was once made in the court of Common Pleas, in a case wherein Baron Power was the plaintiff, that it did not appear upon the record that he was one of the King's Judges ; but we were bound to take notice judicially, that he was one of the King's Judges ; and so we are bound to take notice judicially, that the Earl of Westmoreland is Lord Lieutenant of Ireland, and that the privy council are the privy council of Ireland.

The insertion, as I have before said, was not necessary. If the publication complained of by the plaintiff be a libel, that will be matter for further investigation. The authority from whence it issued must either be shewn in a plea of justification or in evidence upon a trial, and, if the question can possibly be agitated, then will be the plaintiff's time to controvert it.

The writ of summons has been returned, and is now in court ; though it bears the signature of the Chief Justice, it never undergoes, but issues without his inspection.

If any evil consequences ensue from this discussion, they must be imputed to the plaintiff, and those concerned for him, who inserted the exceptionable words in the pleadings, and not to the

Officers of the Crown, who brought forward the motion.

The other three Justices coincided with the Chief, and it was

Ordered,

That the Writ of Summons be quashed, and the words which alledge or question that John Earl of Westmoreland, is not of right Lord Lieutenant of Ireland, or that the Privy Council of Ireland, is not the Privy Council thereof, wherever they occur in the declaration or Bill, be forthwith expunged by the proper officer, the same being scandalous and impertinent.

By the LORD LIEUTENANT and COUNCIL of
IRELAND.

A PROCLAMATION.

WESTMORELAND,

WHEREAS the Serjeant at Arms of the Honorable House of Commons, being called before the said House on Wednesday the 22d day of February instant, he informed the said House that he had dispatched three of the messengers attending said House, to execute the order for taking into his custody, James Napper Tandy, one of whom being brought to the bar, informed the House, that he went to the dwelling-house of James Tandy, in Chancery-lane, where he arrested the said James Napper Tandy, and shewed him the

Warrant, and his authority; that the said James Napper Tandy went into the parlour, as if for his hat, but shut the door, and made his escape, as he supposed through a window.

AND whereas, on the same day it was resolved by the House of Commons, that the said James Napper Tandy having been arrested by a warrant Mr. Speaker, issued by the order of the said House and having made his escape from the Officer of said House who arrested him, has been guilty of a gross violation of the privileges of the said House.

AND whereas, an humble Address hath been presented unto us, by the Knights, Citizens, and Burgesses, in Parliament assembled. that we would be graciously pleased to issue our Proclamation for apprehending the said James Napper Tandy, with a promise of reward for the same.

NOW we, the lord lieutenant and council, have thought fit to issue this our Proclamation, hereby requiring and commanding all persons whatsoever to discover and apprehend, or cause the said James Napper Tandy to be discovered and apprehended, and carry him before some of our Justices of the peace, or Chief Magistrates of the county, town, or place where he shall be apprehended, who are respectively required to secure the said James Napper Tandy so apprehended, and thereof to give speedy notice to the Right Hon. the Speaker of the House of Commons, the Serjeant at Arms attending the said House, and to the Clerk of the Council, to the end he may be forthcoming to be dealt withal, and proceeded against according to law.

AND for the prevention of the escape of the said James Napper Tandy into parts beyond the Seas, we do require and command all officers of the customs, and other officers and subjects of and

in the respective ports and maritime towns, and places within the kingdom of Ireland, that they and every of them in their respective places and stations within the said kingdom, be careful and diligent in the examination of all persons that shall pass, or endeavour to pass beyond the seas; and if they shall discover the said James Napper Tandy, then to cause him to be apprehended and secured, and to give notice thereof as aforesaid.

AND we do hereby strictly charge and command all persons, as they will answer the contrary at their perils, that they do not any ways conceal, but to discover him, the said James Napper Tandy, to the end he may be secured; and for the encouragement of all persons to be diligent and careful in endeavouring to discover and apprehend the said James Napper Tandy; we do hereby further declare, that whosoever shall discover and apprehend the said James Napper Tandy, and shall bring him before some Justice of the Peace, or Chief Magistrate as aforesaid, shall have and receive as a reward for the discovering, apprehending, and bringing him, the said James Napper Tandy, before such Justice of the peace, or Chief Magistrate as aforesaid, the sum of *fifty pounds*.

Given at the Council Chamber in Dublin, the
23d day of February, 1792.

Fitz-Gibbon, C. John Foster. J. Parnell. Henry
King. William Conyngham. James Cuff. J.
Monck Mason. R. Hobart. Arthur Wolfe.
James Fitzgerald. Geo. Warde.

GOD save the KING.

June 22, 1792.

ARCHIBALD HAMILTON ROWAN in the Choir.

JOHN BOURKE, Secretary.

A COMMITTEE appointed by this Society to take into consideration the prosecution of James Napper Tandy, pursuant to an order of the House of Commons, for an alledged breach of privilege, and his acquittal thereof by his country, having presented their report, it was thereupon

Resolved unanimously, That the House of Commons having in the first instance inflicted punishment without proof of guilt; and in the second, prosecuted for imputed offence, when twelve respectable citizens on oath have not been able to find proof sufficient to convict; and having thus attempted to add the penalties of the law to the exercise of an arbitrary power; this Society do congratulate the people of Ireland, that the integrity and discernment of a Dublin jury, have interfered to protect the cause of justice and the Constitution in the person of a fellow citizen.

The following letter was accidentally omitted in its proper place.

November 16th, 1792.

TO THOMAS BRAUGHAL, Esq. *Chairman*
Of the MEETING of CATHOLICS
Of DUBLIN.

SIR,

THE Society of United Irishmen of Dublin, have received your communication of the proceedings of the Catholics of this City, with great satisfaction.

From our zeal to promote the restoration of Catholic Rights, we can derive no merit as we are actuated no less by considerations of interest, than those of duty.

In sound policy, Catholic and Protestant Rights are the same. It was by weak and wicked policy that they were disunited, however, our cases are not so very different, for they exhibit little more than an equal distribution of wrongs.

You certainly reflect our sentiments while you reclaim the radical principle of political association, that a delegated body cannot, without usurpations exercise the power of annihilating their creator, and we lament that it is not possible instantly to extirpate, along with the precedent, the very memory of the act which disfranchises the mass of the people.

We are with all due respect,
your most obedient humble servants,
WILLIAM DRENNAN, *Chairman.*

Back-lane, January 11th, 1793

WILLIAM DRENNAN, Chairman,

ARCHIBALD HAMILTON ROWAN, Sec.

**THE SOCIETY OF UNITED IRISHMEN
OF THE CITY OF DUBLIN.**

UNCONNECTED with Party, faithfully attached to the principles of the Constitution, and associated for the attainment of a communion of Rights, and of an equal and impartial Representation of the Nation in Parliament, are happy in expressing their tribute of praise and gratitude, to their most Gracious Sovereign for that part of the Speech from the Throne, whereby his Majesty particularly recommended to his Parliament, to take into their serious consideration, the situation of his Catholic Subjects.

January 25, 1793.

THE SOCIETY OF UNITED IRISHMEN OF
D U B L I N.

WILLIAM DRENNAN, *Chairman.*

TO THE IRISH NATION.

ARCHIBALD HAMILTON ROWAN, *Sec.*

IT is our right and our duty, at this time and at all times, to communicate our opinion to the public, whatever may be its success; and under the protection of a free-press, itself protected by a jury, judges of law as well as fact, we will never be afraid to speak freely what we freely think, appealing for the purity of our intentions to God, and as far as these intentions are manifested by word, writing, or action, appealing to the justice of our cause, and the judgment of our country.

On the 9th of November, 1791, was this Society founded. We and our beloved brethren of Belfast first began that civic union, which, if a nation be a society united for mutual advantage, has made Ireland a nation; and at a time when all wished, many willed, but few spoke, and fewer acted, we Catholics and Protestants, joined our hands and our hearts together; sunk every distinctive appellation in the name *Irishman*; and in the presence of God, devoted ourselves to universal enfranchisement, and a real representation of all the people in Parliament. On this rock of right our little ark found a resting-place; gradually, though not slowly, throughout the country, other stations of safety appeared, and what before

was agitated sea, became firm and fertile land. From that time have the body and spirit of our Societies increased, until selfish Corporations, sunk in conscious insignificance, have given way to a grand incorporation of the Irish People.

We have, in our *Digest of the penal laws*, addressed ourselves successfully, to the good sense, humanity, and generous indignation of all Ireland, convincing public reason, alarming public conscience, and holding up this collection of bloody fragments as a terrible memorial of government without justice, and of legality without constitution. It has been our rule and our practice never to enter into compromise or composition with a noxious principle, and we have therefore set our face, and lifted our voice, against this persecuting and pusillanimous code as against the murderer of our brother, eager to erase the whole of it from the statute-book as it erased our countrymen from the state, and wishing to proscribe such an incongruous and monstrous conjunction of terms as *Penal Laws* not only from a digest of the laws but from the dictionary of the language.

It has appeared our duty, in times such as these when the head is nothing without the heart, and with men such as we oppose, not only to write and speak but to act and suffer; to reckon nothing hazardous, provided it was necessary; to come forward with the intrepidity which a good cause inspires, and a backward people required; by going far ourselves to make others follow faster, though, all the time conjuring us to retreat; in short, to make the retrograde stationary, and the stationary progressive; to quicken the dead, and add a soul to the living.

Knowing that what the tongue is to the man,

the press is to the people, though nearly blasted in our cradle by the sorcery of solicitors of law, and general attorneys, we have persisted with courageous perseverance to rally around this forlorn hope of freedom, and to maintain this citadel of the constitution, at the risque of personal security, property, and all that was dear to us. They have come to us, with a writ and a warrant, and an ex officio information, but we have come to them in the name of the genius of the British constitution and the majesty of the people of Ireland. Is sedition against the officers of administration, to exercise the criminal jurisdiction of the country, and is sedition against the people, to walk by with arrogant impunity?

We have defended the violated liberty of the subject against the undefined and voracious privilege of the House of Commons, treating with merited scorn the insolent menaces of men inflated with office, and not only have we maintained the rights of the people at the bar of this branch of the legislature, but we have, at the bench of judicature, vindicated the right of the nation, its real independence and supremacy; demonstrating that general inviolability was made transmissible to one or many deputies, to the utter extinction of responsibility, the evasion of criminality; and that the executive power of imperial and independent Ireland, was merely a jingling appendage to the great Seal of Great Britain. Not a man so low, that, if oppressed by an assumption of power, civil or military, has not met with our counsel, our purse and our protection: not a man so high, that if acting contrary to popular right or public independence, we have not denounced at the judgment seat of justice, and at the equitable tribunal of public opinion.

We have encountered much calumny. We have, among a thousand contradictory epithets been called republicans and levellers, as if by artfully making the terms appear synonymous, their nature could be made the same; as if a republican were a leveller, or a leveller a republican; as if the only leveller was not the despot who crushes with an iron scepter every rank and degree of society into one; as if republican or democratic energy was not, as well as aristocratical privilege, or regal prerogative, sanctioned by the fundamental principles of the constitution, by all those memorable precedents which form its first features, and by which the just and virtuous struggles of our ancestors, recognized by successive generations, point out to their posterity when they ought to interpose, and how long they ought to suffer. In his words, whose name rests unknown, but whose fame is immortal, * we desire "that the constitution may preserve its monarchical form, but we would have the manners of the people purely and strictly republican." Are you not sensible that this cry of republicanism, as the clamour against Catholic delegation, has been raised and prolonged by the mischievous malignity of the lower gossips of government, merely to drown the general voice for reform, like the state manœuvre which ordered a flourish of trumpets, and alarm of drums, at the side of suffering patriots, when they wished to address themselves to the reason and justice of the people.—But we will speak and you will hear.—Yes, countrymen, we do desire that extended liberty which may allow you, as citizens, to do what you will, provided you do not injure another, or rather to do

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* Junius.

all the good you can to others, without doing injustice to yourselves. Yes, countrymen, we do wish for an equality of rights which is constitutional, not an equality of property which is impossible. Yes, countrymen, we do long for another equality, and we hope yet to see it realized: an equality consisting in the power of every father of a family to acquire by labour either of mind or body, something beyond a mere subsistence, some little capital to prove, in case of sickness, old age, or misfortune, a safeguard for his body and for his soul, a hallowed hoard that may lift him above the hard necessity which struggles between conscience and corruption; that may keep his heart whole and his spirit erect, while his body bends beneath its burthen; make him fling away the wages of venality, and proudly return to an humble home, where a constitution that looks alike on the palace and the hovel, may stand at his hearth a tutelar divinity, and spread the Egis of equal law to guard him from the revenge of those who offered the bribe and offered it in vain. Yes, Irishmen, we do proclaim it our dearest wish, to see a more equal distribution of the benefits and blessings of life through the lowest classes of the community, the stamina of society; and we assert it as our firm belief, that an equal distribution of the elective franchise must contribute to this end; for national happiness depends upon employment, which must itself spring from industry; and again that depends on liberty, security of person and property, equal law, speedy and impartial justice, and, in short, on that tenure in the state, which may raise the community in relative value as in self-estimation; make the agency of the People instrumental to a good go-

vernment, and the reagency of good Government meliorate the morals and manners of the People; bind together the distinct, and hitherto contending classes of society, by the cement of reciprocity and the interchange of obligations, and make the higher ranks—ballustardes that adorn the arch—feel their dependence on the people, who are the piles that support it. On the whole, we are so far republicans, as to desire a national House of Commons, in its origin, its form, its features, and its spirit; reverencing the people, not consprings, with every other rank, against them, against their privileges, their pleasures, their homely happiness, their fireside enjoyment; but rather cherishing the elective franchise, the poor man's ewe lamb, and stigmatizing the landlord, who would despoil him of it, as a traitor to the constitution, a robber of national right, and a murderer of public happiness.

We have addressed the Friends of the People, in England, and have received their concurrence their thanks, and their gratulation.—We have addressed the Volunteers.—Deliverers of this injured land! Have we done wrong?—if we have tear your colours from the staff,—reverse your arms,—muffle your drums, beat a funeral march for Ireland,—and then abandon the Corpse to Fencibles, to Militia, to Invalids, and dismounted Dragoons. If we have not done wrong,—and we swear by the Revolution of 82 that we have not,—go on with the zeal of enterprizing virtue, and a sense of your importance, to exercise that Right of self-defence, which belongs to the Nation,—and to infuse constitutional energy into the public will, for the public good.

We now address Ireland—We address you as a

moral person, having a conscience; a will, and an understanding -- bound not only to persevere, but to perfect your nature, --- the nations around you to witness your conduct, and a God above you to reward your virtues, or to punish your crimes. We speak to you as Man to Man, --- reading your countenance --- remarking the various passions that now shift across it, and striving to recollect a character long obliterated by foreign influence, or, after short and fierce developements, becoming the same dull blank as before. Severed as you have always been into counteracting interests, --- an English interest, an Aristocratic interest, a Protestant interest and a Catholic interest, --- all contradistinguishing from common-weal; and all, like the four elements, before Wisdom moved on the surface of the deep, exerting their respective influences to retain a chaos rather than create a Constitution: Actuated as you have most generally been by circumstances merely *external*, --- compressed at one time into fortuitous union by the iron circle of British domination, --- at another time by the panic of invasion and fear of famine, when a bankrupt merchantry and embarrassed gentry, were starved into the common cause of a beggared people, whom Government had first pillaged, and then abandoned; -- at the present time, perhaps impelled chiefly by the extraordinary events which have taken place on the continent, it is not surprising that your real character is still, in a great measure unknown to Europe, to Britain, and even to yourself. It is not surprising that recollecting the past, we should be anxious about the future; --- that we will not entirely confide in the fugitive splendor of the moment, the passing spirit of the people, or even the miraculous conversion of Parliament: --- never, ne-

ver satisfied or secure, until we see a real Representation of that People in Parliament;—until we can see Britain and Ireland connected by constitution not by corruption,—by equal, not by strong government; until we see public opinion, or the Will of the Nation, not as now, acting with rude and intermittent shocks, but the settled and central balance of the political order, around which, without apparent motion in itself, the different branches of the Legislature may revolve with the silence and regularity of the planetary system.

We address your understanding—the common sense of the common-weal, and we ask you, is it not a TRUTH, that where the people do not participate in the Legislature; by a delegation of representatives, freely, fairly, and frequently elected, there can be no public liberty? Is it not the FACT, that in this country there is no representative Legislature: because the people are not represented in the legislature, and have no partnership in the constitution? if it be the principle of the constitution, that it is the right of every commoner in this realm to have a vote in the election of his representative; and that without such vote no man can be actually represented, it is our wish in that case to renovate that constitution, and to revive its suspended animation, by giving it free motion and full play to its vital principle. If, on the other hand, the constitution does *not* fully provide for an impartial and adequate representation of all the people; if it be more exclusive than inclusive in its nature; if it be a monopoly, a privilege or a prerogative: in that case is our desire to alter it; for what is the constitution to us, if we are as nothing to the constitution? Is the constitution made for you, or you for it? If the people do not constitute

a part of it, what is it to them more than the ghost of Alfred; and what are principles without practice which they hear and read, to practise without principles which they see and feel?

The people of Ireland want political power: taxation without consent, and legislation without representation, is not a partial grievance or a Catholic grievance, but the grievance of the nation. The elective franchise is withheld from all, while all want a constituency in the constitution. The disfranchised, and the unfranchised, the unrepresented and misrepresented, the Catholic and the Presbyterian, are equally under the law, and out of the constitution: the Protestant who is supposed to have it, and the Catholic who wishes to have it, are equally interested in having it free; for the truth is, that the whole community wants that emancipation which is necessary to a free government; we can give no truer definition of slavery, than that state in which men are governed without their consent, and no better description of freedom than that not only those who make the law, should be bound by the law, but those who are bound by the law should have a share in the making it.

All Ireland knows and feels that the people are ousted from their own constitution, and that in a Government where they have no participation, the King must become a despot, and the nation a slave. Public reason is convinced, and we assert with the confidence of conviction, that there is not too in this Island, inimical to a renovation of the genuine constitution, who are not, at the same time, personally interested in the continuance of its corruptions and the promulgation of its abuses. The time is come when the Nation must speak for the Nation, and the long expected hour of redemption.

approaches, perhaps providentially protracted, until the universal voice shall be heard, and the universal will declared. The Nation is one: one in body, one in soul, an union of colours in a single ray of truth; and the same inextinguishable principle which has accomplished many bloodless revolutions in our history; the peaceful revolution of 79, which gained a Free Trade, the peaceful revolution of 82, which gained an independence of right to Ireland; will consummate her imperfect freedom, with equal safety, honour, and tranquillity, by the same means; a constitutional interposition of the people, justifiable by law, reason, right and expediency. The honour of Ireland, her dearest interests, present and future, the interest of her land-holders, and of her merchants, her commercial credit, her staple manufacture, are all involved in the present crisis, and urgently call upon you to declare in Convention, your wish, your will, and your determination; that the House of Commons may be restored to that true representative character which would regain national confidence, most effectually suppress all particular associations, give vigor to Government, and rest to the perturbed spirit of the people.

O, Ireland! Ireland! country to which we have clung in all our misfortunes, personal, religious, political; for whose freedom and happiness we are here solemnly united; for whom, as a society we live; and for whom as men, if hard necessity commands it we are ready to die; let us conjure you not to abuse the present precious moment, by a self-extinguishment, by a credulous committal of your judgment and senses to the direction of others, by an idle and idiot gaze on what may be going on in parliament. In receiving

good offices from all, distinguish between sound Hibernicism and that windy patriotism, which is now puffing and blowing in the race of popularity. Trust as little to your friends as to your enemies in a matter where you can only act by yourselves. The will of the nation must be declared before any Reform ought to take place. It is not therefore any class however numerous, and society however respectable, any subaltern assembly that have either right or competency to express that authoritative will. Nothing less than the people can speak for the people. This competency resides not in a few freeholders shivering in the corner of a county hall, but only in the whole community represented in each county, (as at present in Antem,) by parochial delegation, and then form each county by baronial delegation, to provincial conventions, the union of which must form the awful will of the people of Ireland. Let us therefore conclude, by conjuring the county meetings now assembling, to follow the example of Ulster, and by appointing delegates to a Convention of their respective provinces, to unite their scattered and insulated wills into one momentous mass, which may have authority sufficient to make a declaration of rights in behalf of the nation. Then will the sovereign graciously interpose on the petition of all the people; the reality is well as form of good government will be established; the justice of the constitution vindicated; and when all this complicated system of national servitude and personal oppression, of perverted principle, and base practice, shall be done away, men shall exceedingly wonder how a Nation that boasted of a free constitution, and the benignity of its laws, could have suffered itself

to be loaded so long with a burthen so grievous and insupportable.

February 10, 1793.

UNITED IRISHMEN of DUBLIN.

Hon. SIMON BUTLER, Chairman.

OLIVER BOND, Secretary.

At a Meeting especially convened to receive the report of the Committee appointed to enquire into the tendency of the war with France,--of the raising of the Militia,--and of the bill now pending in Parliament, for preventing the importation of Arms and Gun-powder into this Kingdom, and the removing and keeping of Gun-powder without licence,

The following Report, was received and adopted.

THAT whatever pretexts may be held out, the real objects of the war about to be declared against France, appear to this Society to be not merely to punish crimes, but to persecute principles; not merely to protect the allies of these kingdoms, but to produce a counter-revolution in France; not merely to check the progress of Republicanism in Great Britain and Ireland, but to stop the progress of liberty throughout Europe; and this Society is convinced, that this war would never be carried on, if it did not tend to effectuate a treaty, or rather a conspiracy, entered into by

tyrants and abettors of tyranny, when France had committed no crime, unless the emancipation of 24 millions of men be one.

That it appears to this Society, that a war, which must be chiefly waged at sea, and which, however successful, can scarcely be maintained except to the ruin of commerce, is peculiarly dangerous to this island, the prosperity of which depends almost entirely upon its trade, and the commercial credit and confidence of which, have already been insidiously shaken to a degree which every merchant and trader feels, and which several of its infant manufactures have lamentably experienced.

That this Society firmly attached from serious deliberation and conviction to a reform in the representation of the people in parliament, and to a government by king, lords and commons, cannot but come forward publicly to express its disapprobation and sorrow at a war, the tendency of which, if successful, must be to perpetuate inveterate abuses, and if unfortunate, may lead to the establishing of systems of government untried in this country, and the apprehension of which, is alledged as a principal reason for engaging in hostility.

That it appears to this Society, not only inexpedient, but an infatuation amounting almost to madness, to subject Ireland, labouring under grievances hardly submitted to in time of peace, to the invasion of men, who profess to carry along with them "not fire and sword but liberty." And if a war with France be in truth unavoidable, a redress of those grievances, more peculiarly by a total emancipation of the Catholics, and by a radical reform in parliament, ought to be considered as an indispensable *preliminary*.

That it appears to this Society, that the tenden-

ry of raising the militia in this kingdom, is to invest an ever-grasping administration with an enormous and alarming patronage, to extend its influence wide beyond the walls of parliament, and to diffuse corruption through all classes of the people.

That it has also another afflicting tendency, namely, to repress, and if possible, to destroy the Volunteer institution, by which this island was once before defended in time of war, and to which we again look, almost exclusively, for the protection of ourselves and of our constitution, in the awful crisis that awaits us.

That it appears to be intended by the bill now depending in parliament, entitled, "a bill to prevent the importation of arms and gun-powder into this kingdom, and the removing and keeping of gun-powder without licence," to prohibit the importation into this country of arms, ammunition, gunpowder, or military stores, by any of his Majesty's subjects, under the penalty of forfeiture of the same, and also of the sum of £500: a precaution which cannot but appear extremely singular at the commencement of a war; a period, when it is the usual policy of states to encourage the importation of all articles necessary for defence, and to discourage their exportation; and the only exception to this extraordinary prohibition, is a particular and special licence, difficult to be obtained, and which may be refused.

That it appears to this Society, that the palpable tendency of this bill is to enact, *as against the whole body of the people*, the rigour of that penal code, respecting the keeping and using of arms, which it is professed, is intended to be partially repealed, as in favour of the Catholics.

That in order to carry this into effect, it is in-

tended by this bill to enact, that no person shall remove from any part of this kingdom, to any other part of this kingdom, any arms, ammunition, gun-powder, or military stores, without a special and a particular licence, under the penalty of a forfeiture of the same.

That this Society is not aware what interpretation will hereafter be put upon the words "from any part of this kingdom to any other part of this kingdom," as that may depend upon the charge of a corrupt judge, or the verdict of a packed jury; but in strictness of construction, no man will be warranted under this bill, to remove his firelock from his city to his country residence, or even perhaps from one chamber to another, or to take it down from his chimney and fire it at a house-breaker without a special licence.

That by this bill it is intended to inflict on each act (which it constitutes a crime without considering the intention of the agent) at least the penalty of £500, paying no regard to the nature of the act, or the situation and circumstances of the party, and which, in its execution, will to a large majority of the nation amount to *perpetual imprisonment*.

That by this bill it appears intended to empower every justice of peace, without information upon oath, at his discretion, whenever he may think proper, at any hour of the day or night forceably to enter and to search the house of any of his Majesty's subjects.

That according to the provisions of this bill, it may not be in his Majesty's clemency to remit the penalty or forfeiture incurred under it, in as much as any common informer may sue for the same.

That this Society cannot be much consoled by reading that this bill is to expire at the end of the

next session of parliament after the 1st of January 1764, when it reflects that many of the oppressive acts, which still continue to disgrace our statute-book, had their commencements as *temporary laws*, and were ever afterwards most shamefully suffered to receive their continuances in silence.

That although this bill is pretended to be grounded on the late tumultuous risings in some parts of this kingdom, and the clandestine importation and secret keeping of arms, ammunition, gun-powder, and military stores, its concealed but direct object appears to this Society to be, like the militia bill, to put down the Volunteers of Ireland, by rendering their array utterly impracticable.

That this Society would recommend it to certain members of Parliament who call themselves Patriots, because they are in Opposition, to watch over the welfare of the nation, and if they have not endeavoured to prevent its being involved in a war which must be ruinous to its conduct, and may probably prove destructive either of its liberty or of its constitution; at least to protect it from a militia, calculated, while it strengthens the standing vice of our government, to overbear the saviours of their country, and to avert from all the greivous oppressions of a bill, which contravenes every principle of the penal law, and which for atrocity is scarcely paralleled even by any of the statutes enacted against the Catholics of Ireland. And this Society would submit to those gentlemen, whether by so doing they will not better fulfil their duty to their constituents, and better save themselves from becoming subjects of dupery and derision to their enemies, and of melancholy pity to their friends, than by *calumniating* an institution, the objects of which are more upright and constitutional than even

the principles they *profess* to maintain, and the members of which are not chargeable with any tergiversation of conduct.

Friday, March 1st 1793

HOUSE OF LORDS.

THE Hon. SIMON BUTLER and Mr. OLIVER BOND appeared at the Bar in pursuance of their summonses.

Lord Mountjoy proposed that the following paper, which he had read on the night preceding, and which had the names of the persons at the bar prefixed to it, should be submitted to their inspection

" 24th February 1793

" UNITED IRISHMEN, of DUBLIN.

" Hon. SIMON BUTLER, Chairman.

" OLIVER BOND, Secretary.

" When a Committee of Secrecy was first appointed by the House of Lords, to enquire into the causes of the risings in certain counties of this kingdom : although this Society well foresaw the danger of abuse, to which such an institution was subject, yet it was restrained from expressing that opinion by the utility of the professed object and by the

hope, that the presence and advice of the two first Judicial Officers of this country, would prevent that Committee from doing those illegal acts, which less informed men might in such a situation commit.

“ But since it has thought fit to change itself, from a Committee to enquire into the risings in certain counties of this kingdom, into an inquisition, to scrutinize the private principles and secret thoughts of individuals; since it has not confined itself to simple enquiries and voluntary informations, but has assumed the right, and exercised the power of compelling attendance, and enforcing answers upon oath to personal interrogatories, tending to criminate the party examined; since its researches are not confined to the professed purposes of its institution, but directed principally to the discovery of evidence in support of prosecutions *heretofore commenced*, and utterly unconnected with the cause of the tumults it was appointed to investigate; since in its proceedings it has violated well ascertained principles of law, this Society feels itself compelled to warn the public mind, and point the public attention to the following observations:

“ That the House of Lords can act only in a legislative or judicial capacity.

“ That in its legislative capacity it has no authority to administer an oath.

“ That in its judicial capacity it has a right to administer an oath; but that capacity extends only to error and appeal, except in cases of impeachment and trial of a peer, in which alone the House of Lords exercises an original jurisdiction.

“ That the House of Lords, as a Court, has no right to act by delegation.

“ That the Committee of Secrecy possesses no

authority, but what it derives by delegation from the House of Lords.

“ That as the House of Lords does not possess *jurisdiction* in the subject matter referred to the Committee; and as, even if it did, it could not *delegate* the same, it necessarily follows, that the Committee has not judicial authority, and cannot administer an oath.

“ That even if the Committee of *Secrecy* acted as a *Court*, its proceedings ought not to be secret.

“ That no court has a right to exhibit personal interrogatories upon oath, the answers to which may criminate the party examined, except at the desire of the party, and with a view to purge him from a contempt.

“ That it was the principal vice of the Courts of High Commission and Star Chamber, to examine upon personal interrogatories to convict the party examined; and that those courts were abolished, because their proceedings were illegal, *unconstitutional*, and *oppressive*.

This paper was accordingly delivered into the hands of Mr. Butler, by the Gentleman Usher—after he had seen it, he was asked by Lord Mountjoy, if that paper, bearing his name, was printed by his directions or authority?

Mr. Butler said, that the paper contained a declaration of the Society of United Irishmen of the City of Dublin, and bore date the 24th of February, 1793,—that he presided at the Meeting—that as Chairman, he put the question on the several paragraphs, according as they were handed to him by the Committee which had been appointed to prepare them,—that he was then, and is still satisfied, that every paragraph of that declaration was agreeable to law, and the principles of the constitution.

Lord *Mountjoy* said, that Mr. Butler had not yet answered, whether he authorized the publication?

Mr. Butler replied that he meant to give the fullest information on the subject, he did authorize the publication, he authorized it in common with every individual of the Society.

Mr. Bond was then interrogated—he was asked whether he had signed the paper,—he replied that neither he nor Mr. Butler had signed the paper.—The resolutions of this Society are referred to the Committee of Correspondence for publication.—The Committee cause the names of the Chairman and Secretary to be prefixed to every publication.—That as Secretary he delivered this declaration to the Committee of Correspondence. And, on being asked by Lord *Clonmell*, whether he delivered it to the Committee for the purpose of publication, and whether he thereby authorized the publication, he replied in the affirmative.

Lord *Chancellor* then asked Mr. Butler, whether he had any thing further to add.—Mr. Butler said, that he attended to answer questions, that if his Lordship had any questions to ask, he (Mr. Butler) was ready to answer.

Mr. Butler and Mr. Bond were ordered to withdraw, but not to leave the House.

They were shortly afterwards again ordered to the Bar, and the following resolutions, agreed to by the House in their absence, having been read, viz.

“ That the said paper was a false, scandalous, and seditious libel; a high breach of the privileges of this House, tending to disturb the public peace, and questioning the authority of this High Court of Parliament.”

“ That Simon Butler and Oliver Bond having confessed that they had authorized the same to be printed, should be taken into custody.”

They were committed to the custody of the Gentleman Usher--and ordered to withdraw in such custody.

In some time afterwards they were brought to the Bar in custody of the Gentleman Usher.

The Lord *Chancellor*, after reciting the foregoing resolutions, spoke to the following purport: “ Simon Butler and Oliver Bond, you were called to the Bar to answer for a libel on this High Court of Parliament,—you have confessed that such libel, which for its presumption, ignorance, and mischievous tendency is unprecedented, was printed by your authority—you, Simon Butler, cannot plead ignorance in extenuation—your noble birth, your education, the honourable profession to which you belong, his Majesty’s gown which you wear, and to which you now stand a disgrace, gave you the advantages of knowledge, and are strong circumstances of aggravation of your guilt. It remains for me to pronounce the Judgment of the House, which is, that you, Simon Butler and Oliver Bond, be imprisoned six months in the gaol of Newgate; that each of you pay a fine to the King of £500, and that you are not to be discharged from your confinement till such fine be paid.”

They were then taken from the Bar, and in a short time after, conveyed in a coach to Newgate, under the escort of 50 or 60 Soldiers and direction of *Alderman Warren*.

March, 1st 1793.

At a full MEETING of the SOCIETY OF UNITED IRISHMEN.

BEAUCHAMP BAGENAL HARVEY, in the Chair.

THOMAS RUSSELL, Secretary.

Resolved unanimously,

THAT a Deputation of five do wait, as early as possible on the Hon. *Simon Butler*, and Mr. *Oliver Bond*, to express the feelings of this Society as men, as citizens, and as United Irishmen on the events of this day, to testify our warmest sense of gratitude for their dignified and magnanimous avowal of the Resolutions of this society before the House of Lords, and to pledge to them our lives, our fortunes, and our sacred honour, that we will never forsake our Officers, nor abandon the post of legal and constitutional principle which we and our officers have hitherto maintained, unshaken, unseduced, and unterrified.

Newgate, March 2, 1793.

The Députation having waited on Mr. BUTLER, and Mr. BOND, they returned the following Answer to the Society.

GENTLEMEN,

WE received with pride your approbation of our conduct—Our cause is honourable and just. Whatever precedents may be adduced from *English Journals in times antecedent to the Revolution and the Bill of Rights*, our sufferings, unexampled for severity, are unprecedented in *this Kingdom*, unwarranted by Law and inconsistent with the principles of the Constitution. We will, however, bear them with fortitude; and entertain the sanguine hopes that as we have been the first, so we may be the last Victims of Arbitrary power in this Nation.

SIMON BUTLER.

OLIVER BOND.

March 3, 1793.
The SOCIETY of UNITED IRISHMEN of
DUBLIN.

To the PEOPLE of IRELAND.

BEAUCHAMP BAGENAL HARVEY,

Chairman.

THOMAS RUSSELL, Secretary.

WE have often addressed you in *your* cause; suffer us for once to address you in *our* own. Two of the officers of our Society, have been thrown into a common prison, for the discharge of their duty;—a procedure so extraordinary, demands that we should lay before you the whole of that conduct which has brought upon the Society so strong an exertion of power.

The Society of United Irishmen was formed in November, 1791. Their principles, their motives, and their objects, were set forth in their Declaration and their Test. At that period the spirit of this nation was at the lowest ebb; the great religious sects were disunited, the Protestants were disheartened and sunk by the memorable defeat of their Convention in 1783; the Catholics, without allies or supporters, accustomed to look to administration alone for relief, dared scarcely aspire to hope for the lowest degree of emancipation, and even that hope was repelled with contumely and disdain; administration was omnipotent, opposition was feeble, and the people, were—nothing.

Such was the situation of Ireland, when in Belfast and in Dublin, two societies were formed for the purpose of effectuating a union of the religious sects, and a parliamentary reform. From the instant of their formation a new æra commenced, the public has been roused from their stupor, the ancient energy of the land is again called forth, and the people seem determined, in the spirit of '82, to demand and to obtain their long lost rights.

The first measure of the United Irishmen was, a declaration in favour of a full and compleat emancipation of the Catholics.—What was the consequence? The moment that great and oppressed body saw itself supported by a single ally, they spurned the vile subjection in which they had been so long held, and with the heavy yoke of the penal laws yet hanging on their necks, they summoned their representatives from the four provinces of the kingdom, and with the determined voice of millions they called upon their sovereign for a total abolition of that abominable and bloody code; a code, the extent and severity of which was first made known by a report set forth by this Society, and compiled by the knowledge and industry of that man, who is now the victim of his disinterested patriotism, and who in publishing to the world the abominations of intolerance, bigotry, and persecution, has committed a sin against corruption which can never be forgiven.

If the knowledge of that penal code has been useful, if the complete union of the religious sects has been beneficial, if the emancipation of Catholics be good for Ireland, then may this society claim some merit, and some support from their countrymen.

In 1791, there was not a body of men in Ire-

land that ventured to speak, or scarce to think, of reform. The utmost length that patriots of that day went, was to attack a few of the outworks of corruption—The Societies of United Irishmen stormed her in the citadel. They did not fritter down the public spirit, or distract the public attention, by a variety of petty measures: they were not afraid to clip the wings of speculation too close, or to cut up the trade of parliament by the roots:—They demanded a parliamentary reform; and what has been the consequence? The cry has been re-echoed from county to county, and from province to province, till every honest man in the nation has become ardent in the pursuit; and even the tardy and lingering justice of parliament has been forced into a recognition of the principle. If then reform be good for Ireland, this Society, which first renewed the pursuit of that great object may claim some merit and some support from their countrymen.

At the opening of this session every man thought that the unanimous wish of the nation on the two great questions must be gratified:—that the Catholics must be completely emancipated and a radical reform in parliament effectuated; but this delusion was soon removed. It was suddenly discovered, that it was necessary to have a *strong Government* in Ireland; a war was declared against France, ruinous to the rising prosperity of this country; 20,000 regular troops, and 16,000 militia, were voted, and the famous Gun-Powder Bill passed, by the unanimous consent of all parties in parliament; the Society of United Irishmen, a vigilant centinel for the public good, warned their countrymen of the danger impending over their liberty and their commerce; they knew in doing so they were exposing themselves to the fury of go-

vernment, but they disregarded their own private safety when the good of their country was at stake. They could not hope to stop these measures, for they had no power, but what they could they did, they pledged their solemn protest against them, before the great tribunal of the nation.

In the progress of the present session, it was thought necessary by the House of Lords to establish a Secret Committee to investigate the cause of the disturbances now existing in a few counties in this kingdom. The examination of several individuals having transpired, the Society of United Irishmen felt it their duty to step forward again, and to give such information to their countrymen as might be necessary for their guidance.— They stated a few plain principles which they did then and do now conceive to be *sound constitutional law*. But now the measure of their offences was full, and the heavy hand of power so long withheld, was to fall with treble weight upon their heads.— Their chairman the Hon. Simon Butler, and their secretary Mr. Oliver Bond, were summoned before the House of Lords; they were called upon to avow or disavow the publication; they avowed it at once with the spirit and magnanimity of men who deserved to be free; for this they have been sentenced, with a severity unexampled in the parliamentary annals of this country, to be imprisoned in New-gate for Six Months, and to pay a fine of £500 each and to remain in prison until the said fines be paid. By this sentence, two gentlemen one of noble birth, of great talents and elevated situation in an honourable profession; the other, a merchant of the fairest character, the highest respectability, and great and extensive business, are torn from their families and connections, carried through the

streets with a military guard, and plunged like felons into the common Goal, where they are at this instant confined among the vilest malefactors, the dross and refuse of the earth, *and this sentence was pronounced by a body, who are at once judges and parties, who measure the offence, proportion the punishment, and from whose sentence there lies no appeal.*

We do not mention here criminal prosecutions instituted against several of our members in the courts of law for publishing and distributing our address to the Volunteers of Ireland : respect for the existing laws of our country, imposes upon us a silence which no provocation shall induce us to break, *we know when juries intervene, that justice will be done.*

Such is the history of the Society, and such are the enormities which have drawn upon them the persecution under which they now labour. Their prime offence is their devoted attachment to reform ; an attachment, which in the eyes of a bad administration includes all political sin : their next offence, is an ardent wish for a complete and total, *not a partial and illusory emancipation* of the Catholics. Their next offence is having published a strong censure on the impending ruinous war, on militia and gun-powder acts ; and finally the crowning offence for which their officers now lie in goal, by order of the House of Lords, is having instructed their countrymen in what they conceive to be the law of the land, for the guidance of those who might be summoned before the Secret Committee.

The Society now submits to their countrymen a few plain facts :—The war has been approved by Parliament ; 36,000 men have been voted—

to be employed in Ireland ; the Gun-Powder Bill is passed ; the Volunteers of Dublin have been insulted ; their artillery has been seized ; soldiers hourly are seen with a Police Magistrate at their head parading the streets, entering and searching the houses of Citizens for arms ; and finally, the officers of the *only* Society which had spirit to observe on those proceedings, are seized and thrown into prison. This is what *has* been done we will add what has *not* been done : a complete emancipation of the Catholics has not been granted, and a reform in Parliament has *not* been accomplished.

We have now submitted to our country the whole of our present situation ; with that country it rests to decide upon our conduct : if they approve it, to testify their approbation ; if they condemn it, to testify their condemnation. The mode of doing the one or the other is obvious. In one province the people have already organized themselves, and declared their political creed. Let the other provinces follow their example. Let the national convention then assemble and pronounce the national will. That will must have its due weight.

We may be after all wrong ; our arduity in pursuit of constitutional liberty may be such as our countrymen have not yet spirit to follow ; in that case we must desist, and we shall desist, not from conviction, but from despair. If Irishmen do not wish to see Catholics completely free ; if they desire the continuance of inveterate abuse and corruption ; if they dread a reform in the representation of the people ; if they wish to behold an institution, once the pride and boast of Ireland, insulted, degraded and plundered of their arms ; if they are content

to see men who have the spirit to step forward and assert the rights and privileges of their country, dragged away like felons, and thrown into a common goal,—then is this Society wrong in its pursuits and its practice.—We have no right to agitate with notions of liberty, now perhaps obsolete, a land which is determined to remain sunk in the lethargy of corruption; it is our principle, that if a nation wills a bad government, it ought to have that government.—We have no power and we have no right to force men to be free.

Whatever be the determination of our countrymen, we will do our duty; if our principles shall meet with the approbation and support of the nation, nothing shall compel us to quit that line of conduct which our conscience and honour point out and which we have hitherto endeavoured to pursue:—In the worst event, whatever may be our fate, and the public determination, we shall steadily support the men who are now, in the honourable discharge of their duty, suffering in the cause of this Society, of Liberty and of Ireland.

HOUSE OF LORDS.

Monday, March 25th 1793.

The Lord Chancellor. My Lords, I rise to submit to your Lordships, on the part of the *Secret Committee*, the conduct of a person of the name of James Reynolds, who was this day called to give testimony before the committee. My Lords, this person adopting the language of the libel for which you have already committed two persons to New-Gate, questioned the competence of the committee to administer oaths, and to make those enquiries, for which your lordships appointed it. He was again and again told that nothing which he declared should be used as evidence against himself, or any other person, or would be divulged if he himself did not disclose it. He was repeatedly told that the only information which he would be desired to give was the state of the province from whence he came. Notwithstanding which assurances he still persisted in his refusal to be examined on oath.—My Lords, it would be in my mind proper, to have this man brought to your bar, that you may see if he yet persists in this act of controversy.—I therefore move that “James Reynolds be brought to the bar forthwith.”

Dr. Reynolds being accordingly placed at the bar :—the Lord Chancellor spoke as follows : James Reynolds, do you persist in your refusal to give testimony before the secret committee ?

Dr. Reynolds in reply. My Lords, if this house

now sitting in its *judicial capacity*, requires any testimony from me, I am ready to give it.

Lord Chancellor. Sir, you are asked if you will take the oath which was proposed and give testimony before the Secret Committee.

Dr. Reynolds. For the reasons I assigned this morning when before the Committee, I cannot consent, to take an oath administered by it.

Lord Chancellor. Inform the house what these reasons are.

Dr. Reynolds said: The reasons he had mentioned before were;---that the house of lords which acted in a double capacity, *judicial and legislative*, when exercising the *former* administered oaths,---yet as that judicial power could not be delegated to a committee; and even if it could, as all judicial proceedings should be public, he could not consent privately to take an oath, and submit to an examination before [the Secret Committee. That he was ready and willing to take an oath publicly at the Bar, and answer such interrogatories as might be thereon propounded to him. He professed himself as loyal a subject as any in the country and as much attached to the principles of the Constitution, which had been admired by men eminent in political philosophy, and which he believed capable of affording happiness to the people.

He had also mentioned when before the Secret Committee, that if its object be,--to enquire into *disturbances* his examination could be of no use, none having ever existed in his country. Several members of the house with whom he had the honour of private intimacy, who resided there, could give every information of its state, and whether he was a person like to be concerned in any.---That his

refusal could not proceed from a consciousness of criminality in himself or in any person with whom he had been connected for that he was ready to take a regular trial on any charge which might be exhibited against him, or to give evidence if called on to do so on any occasion in a court of justice. He had offered *unsworn* to answer any questions, and observed that even if the powers exercised by the committee should not be applied to bad purposes whilst in *their* hands,—that might not at all times be the case,—it might hereafter be productive of serious and fatal evils.—He said he was aware of the privileges which might be claimed by the House, that he hardly knew what was not in their power—but that if *they sent him to the rack—on the wheel he should hold his tongue.*

(Dr. Reynolds was ordered from the bar, and on the motion of the Lord Chancellor, he was instantly committed to the custody of the gentleman usher of the black rod.)

The Lord Chancellor said, that it was the policy of many persons in this country, who justly feared that the result of the Committee's inquiries would involve their guilt, to resist the proceedings of the committee, and to call in question its derivative power. His Lordship said, that the investigation into the causes of tumult, had put into his possession some proofs that were sufficient to satisfy any man in the country——“ that the design of the agitators was a total separation of England and Ireland; and notwithstanding the proof of the fact was to him decisive, and would be equally so to any person who saw it, yet such was the mildness of that constitution, so much the subject of abuse, that it would not carry the charges to a conviction in a court of law. He repeated, and he solemnly

invoked the attention of the nation, that the ultimate object of the agitators of this country was to separate it from England.

His Grace the Archbishop of Cashel said, that every part of the constitution had its respective power; the houses of parliament can constitute their committees, and arm them with constitutional strength. He would not quote precedents, because he would consider it insulting to their lordships, who must be as well acquainted with their assistance as he was; he would only generally assert, that their journals were filled with them. The person who has been at your bar this day, does dispute the competence of your committee. The motion for committing him to the custody of the usher is an act of the greatest lenity; it gives him time for sober reflection, and in this day's reflection he will, I trust, be sensible of his error, and atone for it. He declared, that it was necessary for the public safety that the house of lords should act with spirit, and as long as their lordships did so, adhering to the principles of the constitution, they might expect the gratitude of every honest man in the nation. This house, said he, has no object but to do justice, no view but to serve the public: what then has it to regard, while conscious of its own propriety?

Lord Cloonmel said, the present was the most interesting moment that he ever read of in the history of the country. When the secret committee was proposed, he had suggested that the disturbances which were prevalent could be traced to their source in some despicable lane or alley in the metropolis. He was since persuaded of the truth of that observation. He agreed with the noble lord on the wool sack, the separation of the kingdoms.

of England and Ireland was the end proposed ; but it would be absurd and ridiculous to say, that the miserable monster could exist, but by the support of French arms ; God and nature had joined the two kingdoms—nothing less than convulsion and rebellion could divide them. These were means which none but that nest of conspirators, the Society of United Irishmen, would adopt ; His lordship here adverted to a circumstance which he thought proper to mention.

It was now become the fashion to visit Newgate as a theatre ; men resorted to it as a place of mirth or festivity. He would be sorry to withhold any comfort from the prisoner : he would accommodate him as far as could be done with propriety ; but he would not have the *prison of the House of Lords* a place of carousal, he would not have it an adjournment from the Taylor's Hall, where tables were covered for entertainment ; and, as he understood, had ten or twelve covers each day. He feared worse consequences from such assemblies than could arise out of the meetings at the Taylor's Hall. The place of former punishment is become at present that of amusement, and consequently has lost its terrors. His Lordship said, before he concluded, he wished to acquit the whole body of Roman Catholics of crimes which were imputable to the disaffected individual. The Roman Catholics he did not suspect ; they were now incorporated with Protestants, and he would say on his own knowledge, that it was the sense of that body to defend the constitution ; were they to act otherwise, it would be ungrateful to a generous Parliament which had opened the arms of the constitution to receive them. Religion, (said his Lordship,) can no longer divide us ; for it was under the persuasion that the Roman Catholics were not Pa-

pists that I voted for the participation of constitutional privileges. Religions are thus politically different; that of the Dissenters is republicanism; that of the Papists a despotic monarchy; and the Protestants that of a limited monarchy and universal freedom. In every country where the Papist has enlightened his mind with Protestant belief, he has become the friend of a limited monarchy and a free constitution.

March 27th.

Lord Dillon observed, that James Reynolds had been ordered by their Lordships into the custody of the Usher of the Black Rod, for some contumacious conduct towards the committee appointed by their Lordships. He wished to know whether or not, the man still persisted in this contumacy, and moved for that purpose, that he be now brought to the bar.

The motion was agreed to, and Dr. Reynolds in a few minutes appeared at the bar, in custody of the Yeoman Usher.

The Lord Chancellor asked Dr. Reynolds,—Did he persist in his refusal to take the oath, and answer the interrogatories of the secret committee, for which he had been ordered into custody?

Dr. Reynolds asked his Lordship, if he must confine himself simply to a negative or affirmative,—or whether he might be permitted to speak a few words in his own behalf?

The Lord Chancellor answered, he might be indulged with that liberty if he desired it, and confined himself to a few words.

Dr. Reynolds, then availing himself of the permission, said:—the last time he stood at the bar, he

had declared his veneration for the principles of the constitution; of which that house being a branch, he must be supposed equally attached to its just privileges,—equally prompt to defend them,—to revere its legal authority, and to submit to its constitutional decisions.—He therefore trusted, if their Lordships deemed the conduct erroneous on which he had incurred their displeasure: he might be permitted to aver, it proceeded not from contumacy, obstinacy, or disrespect, but from tenderness for what he conceived to be the strict principles of the constitution, and that it would be differently treated by the House, from that of a man disclaiming its authority.

If republican sentiments, if democracy had gained ground, if the people were discontented—he was sure their Lordships would not think of conciliating them to the present form of government, by severities, or the punishment of their friends.

Whatever were their Lordship's intentions towards him, he hoped they had the good of the people at heart; and his motives were not merely personal, when he wished, if they were to inflict any punishment on him, it would not be *committal to prison*.

In that part of the country where he resided, there were but two physicians to watch over the health of a very populous district, of thirty miles extent. Those physicians were himself, and a gentleman who was summoned by the committee along with him. When he left the country, he had under his care a great number of patients, affected with various diseases, some of them in dangerous situations, who in his absence must be destitute of medical aid. Two human lives had already been sacrificed through this cause, and many more might be the victims of the same, if his absence was

protracted. The other gentleman was able to afford them little, if any assistance, as the whole of his attention was engrossed by an amiable wife, labouring under an alarming malady.

He had another reason which he trusted would have some urgency with the humanity of the House—his own ill state of health,—being at present but merely convalescent from a disorder in his chest, contracted by riding in bad weather, on his professional visits to parts of the country inaccessible to carriages.---Pure air and moderate exercise seemed absolutely necessary to the preservation of his life. To commit him to close confinement and the foul air of a prison, would probably be to send him to sudden execution.

The Lord Chancellor said, I ask you again, do you persist in your refusal to answer the Committee?

Dr. Reynolds. My Lord, holding the same opinion on that head I before professed, I could not feel myself satisfied in deviating from those principles.

Lord Chancellor. Have you seen any persons since you have been in custody?

Dr. Reynolds. I have; several gentlemen who were apprised of my situation, were polite enough to call on me.

Lord Chancellor. Who were those persons, name them?

Doctor Reynolds. They were numerous; I cannot now recollect all their names.

Lord Chancellor. Can you repeat none of their names; was Doctor Drennan one of them?

Dr. Reynolds. He was, My Lord.

Lord Chancellor. Did he advise you to persist in your refusals?

Dr. Reynolds. He gave me no advice one way or the other.

Here the interrogation ended.

Lord Dillon then said, the declarations of this man on the subject of privilege and constitution, and judicial power, were, put together, something like his own recipes, and taken separately, they amounted to nothing worth notice, but all put together they amounted to an attack on the privileges of that house, and something too dangerous in its principles to let it pass with impunity. It was high time to check the career of the doctrines promulgated by this man and the societies to which he belonged,—the United Irishmen of Belfast, and the Delegates of Dungannon. His lordship had too high an opinion of the loyalty and good sense of the people of Ireland to suppose they would be tempted to sedition by such men; all the mischief they could do was already done, and the trade and credit of their country felt it, but were dangerous only while they were unknown. When the country knew the men, they ceased to be formidable, and the danger vanished. They were men too flagrant in principles and too insignificant in estimation to warrant any apprehension of dangers from them beyond the circle of their own associates.

However, as this gentleman at the bar, seemed so fond of his principles, as to become a martyr to them, his Lordship thought it was fit he should be indulged, that all men might see they were not to be attacked with impunity. His Lordship would therefore move that James Reynolds be committed not to Newgate, of which he seemed so apprehensive, but to Kilmainham goal.

Thus his health would run no risk from the foul

air of Newgate, nor would his deliberations be disturbed by its festive carousals. But he would have time and leisure to study that Constitution, to which he was so tenderly attached, but of which he seemed so ignorant.

The motion was carried nem. diss. and Doctor Reynolds was ordered from the bar, in the custody of the Black Rod, until a warrant for his committal should be made out, which was done in a few minutes and he was sent to Kilmainham, in custody of the Yeoman Usher and his assistants.

March, 28th 1793.

SOCIETY of UNITED IRISHMEN.

WILLIAM DRENNAM, Chairman.

MATTHEW DOWLING, Secretary.

Resolved unanimously,

THAT a deputation of nine do wait on *Doctor James Reynolds* to assure him of the respect, esteem and gratitude of this Society, on account of his virtuous, firm and constitutional conduct, at the Bar of the House of Lords—and to declare to him our determination to use every exertion to alleviate as far as possible, the effects of his imprisonment.

The Deputation having waited on *Doctor Reynolds*, he returned the following answer:

Kilmainham Goal, March 28th 1793.

A stranger, unconnected with you or any of your *Sister Societies*, it is with equal surprise and pleasure I receive this evidence of your approbation—long acquainted with your public, I am not at present unacquainted with your private virtues.

Exposed unexpectedly to a situation the most important of my life,—in which I must either vindicate or violate the Rights of five millions of men,—I have barely done what duty required—without any other crime being even *alleged* against me; I am committed by *undefined power to unlimited imprisonment*.——Aristocracy must have changed its nature if it did not wreak vengeance on the man who dared attempt the destruction of an engine of oppression more dreadful and deceitful than *Dionysius's ear*.

JAMES REYNOLDS.

June 7, 1793.

UNITED IRISHMEN of DUBLIN.

HENRY SHEARES, President.

EDW. JOS. LEWINES, Secretary.

On Motion, the following resolution of the CATHOLIC COMMITTEE was read :

“ **RESOLVED** that it is with pleasure and
 “ gratitude, we have observed the House of
 “ Commons, in this session, unanimously ta-
 “ king into their consideration, that most
 “ important measure, the present represen-
 “ tation of the people in Parliament : and
 “ we do most earnestly exhort the Catholics
 “ of Ireland, to co-operate with their Pro-
 “ testant Brethren, in all legal and constitu-
 “ tional means to carry into effect, that great
 “ measure recognized by the wisdom of Par-
 “ liament, and so essential to the freedom,
 “ happiness and prosperity of Ireland——a
 “ Reform in the Representation of the Peo-
 “ ple in the Commons House.”

Resolved, that this Society do agree to the following
address to their *Catholic*
COUNTRYMEN.

Fellow Citizens,

WE hasten to recognize, under this new and endearing title, a people tried by experience, and schooled by adversity, who have signalized their loyalty amidst all the rigours of the Law—who have proved their fidelity to a constitution which with respect to them violated all its own principles, and who have set an example of patient perdurance in religious faith, while for a century they experienced a persecution equally abhorrent from every maxim of good government, and every principle of genuine christianity. We congratulate our country on such a large addition to the public domain of mind, the cultivation and produce of which may in some degree compensate for past waste and negligence. We congratulate the empire that the lost of three millions across the Atlantic is supplied by the timely acquisition of the same number at home. We congratulate the Constitution that new Life is transfused into its veins at a period of decay and decrepitude : and we trust that the Heroism that suffered with so much constancy for the sake of religion, will now change into a Heroism that shall act with equal steadiness and consistency for the freedom, the honour, and the independence of this country.

By the wise benevolence of the Sovereign, by the enlightened spirit of the times, by the union of religious persuasions for the good of civil society,

by the spirit, prudence, and consistency of the Catholic Committee, who, during their whole existence, were true to the trust reposed in them, and whose last breath sanctified the expedience and necessity of a Parliamentary Reform; by these causes, along with other fortunate coincidences, you have been admitted into the outer court of the constitution. Look around you---but without superstitious awe, or idolatrous prostration, for the edifice you enter is not a Temple, but a Dwelling. Enter therefore with erect heads, and yet with grateful hearts, grateful to your King, grateful to your Country, attached to the constitution by manly principle not by childish prejudice, faithful to your friends through every change either of their fortune or your own, and if not forgetful of the virulence of your enemies, having always the magnanimity to pity and to despise them.

Loving the constitution rationally, not adopted merely to its infirmities, loving it too well, to dote upon its abuses, you must shortly be sensible, that without reform, the balance of the elective franchise will be more of the centre than before, the inequality of popular representation more glaring and monstrous, the disproportion more enormous between the number of electors in 32 counties, and that in the boroughs from which you are excluded. What was kept close and corrupt before, will be close and corrupt still; common right will still be private property: and the constitution will be imprisoned under the lock and key of corporations. The era of your enfranchisement will therefore eventually work the weal or woe of Ireland. We do trust that you will not be incorporated merely with the body of the constitution without adding to its spirit. You are called into

Citizenship not to sanction abuse, but to discountenance it, not to accumulate corruption but to meliorate manners, and infuse into society purer practice and sounder morality : always separating in thought and action, *mis*-government and *mal*-administration from the good sense and right reason natural to, and co-eval with the constitution : and always remembering that nothing can be good for any part of the nation which has not for its object the interest of the whole.

Fellow-Citizens.--- We speak to you with much earnestness of affection, repeating with sincerest pleasure, that tender and domestic appellation which binds us into one People. But what is it which has lately made and must keep us ONE? Not the soil we inhabit, nor the language we use, but our singleness of sentiment respecting one great political truth, our invisible union in the main object of general interest—a Parliamentary Reform. This is the civic faith for which this Society exists, and for which it suffers under a persecution that still, as of old, savage in its nature, though somewhat smoother in its form, wreaks its mighty vengeance on the person or property, or exerts its puny malice to ruin us in the professions by which we live, merely for an undaunted adherence to a single good and glorious principle which has always animated our publications, and will always regulate our practice.

We conjure you in the most solemn manner, to remember with the respect due to such authority, the last Words, the political Will and Testament of a body of men who have deserved so well of their constituents and of their country. Never forget them. Never forsake them---Let this principle of Reform live in your practice, and give ener-

gy to the new character you are about to sustain for the glory or the disgrace of Ireland.

As for us, our particular sufferings as a Society are lost, at present, in an overwhelming sense of national calamity. We wish in our social, and individual capacities, to expedite every measure that has the remotest chance of giving the smallest relief to such urgent distress, lamenting at the same time that every means adopted must prove partial, palliative and inadequate, until the origin of the extended evil, be boldly looked to, and what is universally understood, is as plainly and publicly expressed. What then is the cause? War. What is the cure? Peace. What will prevent a relapse and perpetuate that health and soundness which it had restored? a *National* House of Commons, that would conform to the will of the people by the imposition of such duties as might secure, to Irish manufactures, a natural but not exclusive preference in an Irish market; a *National* House of Commons acting *from* and therefore *for* the People, not personating but representing them, not holding forth the Constitution merely as an object to provoke doubts, or excite terrors, speaking always in clouds, or by thunder; but writing the Law in the tablet of our hearts, rivetting the Constitution into the common sense of the community, the basis from which it has shifted, and extinguish all discontent and disaffection by diffusing rational loyalty and the allegiance of our convinced understanding.

We will never cease to dwell on this theme, for we wish to make the times conform to us, rather than to make our principles conform to the times. For the present, we lie just in the track of the pestilential wind of calumny which purposely con-

founds the reformer, the republican and the regicide; which preserves and propagates a panic of innovation and a distrust between man and man, in order to keep back internal union, at the dreadful sacrifice of commercial credit, of public revenue, and of national character. Even, at this moment, perhaps, a provident jealousy may be contriving means for our dispersion, naturally fearful that whenever two or three honest men are assembled together, their conversation must, at this time, turn on the oppressions of the subject, and the misery of this Country.

June 21st 1793.

THE SOCIETY OF UNITED IRISHMEN OF
DUBLIN.

TO THE PEOPLE OF IRELAND.

HENRY SHEARES, *President.*

WILLIAM LEVINGSTON WEBB, *Sec.*

WHEN the present War first threatened this Nation with the calamities, under which it has since groaned, and by which it is at this moment almost overwhelmed, we warned you of the approaching danger, and sought by a timely caution to avert the consequent ruin.--We told you it was a measure fraught with destruction to your infant manufactures, to your growing commerce, and

to your almost mature spirit—How far the prediction we then uttered has been justified by the event, let the surrounding miseries of this country determine---An expiring and nearly extinguished credit---The pride of commerce humbled and disgraced---the cries of famine re-echoed through increasing thousands of your manufacturers, discarded from the exercise of their honest labour, driven into penury and inaction; and compelled to seek an uncertain subsistence from the humanity of their more affluent, though less industrious fellow-citizens. Such are the effects, and such were the predicted consequences of a war, commenced without provocation, and which, if suffered to continue a few months longer, must inevitably produce national shame, national bankruptcy, and national destruction.

We declared that the persecution of principles, was the real object of the war, whatever pretends may be held out. Judge of this assertion also by the event---Behold the external invasion against liberty seconded by internal outrages on your most valued rights---Behold your band of Patriots, once embodied and exulting in the glorious cause of freedom; once the pride of IRELAND, and the admiration of attentive Europe, your volunteers now insulted and disarmed---Behold your loved, your revered, your idolized palladium, the trial by Jury, profaned and violated; trampled in the dust by the unhallowed foot of undefined privilege---Behold your faithful friends, for daring to step forward in your defence, dragged to a loathsome prison, and loaded with every injury, which falsehood and tyranny could suggest.

Imposed upon through the medium of a generous sensibility, falsely and designedly excited to entrap

- you, you too slightly regarded the salutary caution of your friends; and though your reason and your interests revolted at the war, you suffered in silence that pernicious measure to be adopted. Again we stepped forward; for we have no pride, but in the conscious discharge of duty. - We attempted to alleviate the miseries we could not avert. Foreseeing the dreadful state of abandonment, into which an interruption of commerce must throw the most useful and industrious part of the community, we held forth an example to the public, which, if then followed, would have lessened and postponed that inevitable calamity. - we publicly and solemnly pledged ourselves to the exclusive consumption of Irish manufactures, and called on our fellow-citizens, by uniting in a similar resolution to afford the only relief then in their power to bestow. Yet even this act of patriotism and humanity supplied calumny with increase of poison; in endeavouring to forewarn our countrymen of all the dangers and miseries, which at this instant shake private happiness and public safety to their centres, we were represented as acting from malignant motives, and as seeking, by alarming the public mind with groundless apprehensions, to agitate it to outrage. - With silent contempt we listened to the base suggestion, for it was not worthy our resentment. We knew that those, who had doomed this unhappy country to its present sufferings, would at last be compelled to adopt the palliatives since they had rejected the preventatives we at first proposed: We knew that they would be forced to stop the cries of clamorous famine, by taking up the precedent we had set them, and to fly to those means of appeasing the desperate resentment of

starving thousands, which they had before reprobated as the instrument of exciting it.

What has been the case? Although the war has yet existed but a few months, its dire effects have already pierced the very marrow of Society—Those indeed, who advised to plunge you into all its horrors, have not suffered the slightest inconveniences; but is there an artificer of any description, a manufacturer of any denomination, a single Irishman who lives by his honest industry, who has not wholly or in part been deprived of his means of sustenance? All export is destroyed, except the export of Specie, wrung from the hard hand of labour to pamper the luxury of absentees—Every trade is suspended, except the trade of corruption, which flourishes by the impoverishment of this devoted soil—At length this city is summoned to devise the best means to alleviate the pressing misery, and guard against the growing danger. In its decision is recorded the public approbation of those measures our provident anxiety first suggested—It is from the verdict of our fellow-citizens alone that we have met or wish to meet redress against calumny and outrage—To their tribunal we alone appeal—at their tribunal we alone find justice.

What has hitherto been attempted for your relief, is but of a nature temporary and transient. Disease and pain will again recur, and with redoubled force, unless you trace the evil to its source and rectify it there. Dare then, citizens of Ireland, to look your situation in the face. Shrink not from the touch of truth, but with a manly fortitude effectuate your cure, however painful the necessary operation—Since even those members of opposition, in whom you have hitherto foolishly and fatally confided, have abused that confidence,

deserted your interests, and supported this destructive measure, it is your right, and it is your duty to act for yourselves in this great crisis. Assemble in your parishes, in your towns, in your counties, and in your provinces, there speak forth your sentiments, and let your will be known---With the firm voice of injured millions require a peace---Pursue the example of the Catholic convention---Unite order with spirit, tranquillity with action---Like them, carry your wishes to the throne itself, and fear not for their success---But like them, whilst you seek a remedy for your present sufferings, ever remember that a radical reform in the system of representation is the only means of avoiding a repetition of them---Call on your king to chain down the monster War, which has devoured your commerce : which gorges its hateful appetite by preying on the wretchedness of your manufactures, and enslaving them for life, the instruments of tyranny and slaughter---Call on him to spurn from his counsels those, who shall assert that you are bound to rob and to be robbed; to murder and to be murdered, to inflict and to endure all the complicated miseries of War, because an unfeeling policy should dictate the horrid act---Call on him to give you peace---But would you render permanent its blessings, when obtained?---Would you add vigour to your agriculture, to your manufactures, and to your commerce?---Would you secure to yourselves the produce of your various labours, now consumed by oppressive and encreasing taxes; by placemen without employment, and pensioners without merit? Reform your present state of representation by an infusion of purity and health into your Commons House---Hold forth to your sovereign the records of Parliament, and let

him read therein the incompetence of its existing form---He has already partially acknowledged the fact, and failed not to espouse the Peoples cause. He will see, and with the same ingenuousness he will avow, that those repeated necessities for your personal interference prove the evil of which you complain---From his candour and from his justice you have every thing to hope, you have nothing to fear.

AT A MEETING OF THE
SOCIETY OF UNITED IRISHMEN,

Held on the 15th of July,

For the purpose of taking into consideration the Bill now depending in Parliament, entitled, " A Bill " to prevent the Election or other appointment of " Conventions or other unlawful Assemblies, under " pretence of preparing or presenting public Petitions, or other Addresses to his Majesty or the " Parliament."

The following Resolutions were unanimously agreed to, viz.

HENRY SHEARES, *President.*

WILLIAM LEVINGSTON WEBB, *Sec.*

Resolved,

THAT it is, and ever has been the indubitable Right of the People of this country to assemble

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and consult together, for the purpose of instructing their Representatives, or of petitioning any branch of the legislature, concerning such measures, as may in any manner affect their interests.

That, since that part of our ancient constitution, which made the office of sheriff elective by the people, has been changed, it has too frequently occurred, that sheriffs, although required according to law to summon meetings for those purposes, have either wholly refused to comply with such requisitions, or complied therewith in such a manner, as purposely to defeat the objects, for which those meetings were summoned: unless agreeable to the views of those, to whose influence they were indebted for their office.

That in the actual exercise of this right, many of those evils have also occurred, which necessarily attach upon numerous and popular meetings, to the prejudice of cool deliberation and public tranquillity.

That in order to avoid those evils, and yet preserve the deliberative right of the people in its full force and efficacy, the appointment of delegates from parishes, towns, or other portions of the people, chosen from amongst themselves for their virtue and talents, appear to us most consonant to reason and good policy, and most conducive to the preservation of peace and public order.

That we cannot attribute any other motives to the *Roman Catholics* of this country, in pursuing the system above-mentioned, in order to collect the opinions of three millions of people on the subject of their dearest interests, than those of a laudable anxiety, for the maintenance of public tranquillity, and the highest reverence for the laws and constitution of their country: As we are per-

suaded, that had their conduct evinced any thing inimical to those, it would not have received the sanction of royal approbation, or parliamentary indulgence.

That the scrupulous decorum, observed in the appointment and conduct of the *Catholic* Committee, and the success which crowned their labours with the restitution of constitutional rights, are in our eyes incontestible proofs, that the System by which that committee was created, and that which it pursued were strictly conformable to the laws of the land, and merit the praise and imitation of this entire Nation.

That we cannot avoid expressing our apprehensions at the introduction of a Bill into parliament, which appears to us as tending to deprive the people of this country of the most effectual mode of expressing and collecting their opinions, whenever they shall think it necessary to instruct their Representatives, or petition any branch of the legislature : and we most earnestly warn and exhort our fellow-citizens of *Ireland*, speedily to assemble in their cities and counties, for the purpose of considering a subject, which involves their dearest interests, and of communicating to their representatives, the result of their deliberations, or petitioning the Sovereign to refuse his royal assent to that alarming measure.

July 26, 1793.

UNITED IRISHMEN.

HENRY SHEARES, *having been requested to leave the Chair,*

JAMES DIXON, *Chairman.*

WILLIAM LEVINGSTON WEBB, *Sec.*

The following publication was read :

“ TO THE PUBLIC:

THE following paragraph appeared in the *Freeman's Journal*, on Saturday 20th inst. and afterwards in other Prints, as a part of the Lord Chancellor's Speech in the House of Lords.

PARAGRAPH.

“ *There were in Dublin two perhaps who were*
 “ *Members of the French Jacobin Club, and who,*
 “ *his Lordship believed were in the pay of that So-*
 “ *ciety to foment sedition in this country. One of*
 “ *their names appeared at the head of a printed*
 “ *paper, published last month by the United*
 “ *Irishmen, to which Society they also belonged.*

On perusal of the above Paragraph, I wrote the following Letter to his Lordship.

My Lord,

HAVING this day seen in the Public Prints of yesterday, a gross and infamous calumny,

which, from the strength of its allusions, I cannot avoid considering as directed against me, I think it incumbent on me to address myself to your Lordship, prior to taking any step towards the punishment of its author.

I am induced to take this liberty, My Lord, from the circumstances of your Lordship's name having been made use of (falsely I am persuaded) to sanction the malignant falsehood contained in that publication.—It is therein asserted, that your Lordship, in the house of Lords represented me as a Member and Agent of the *Jacobin Club* in France, and employed by them to foment sedition in this Country :—An assertion which I am bound to believe is ill founded in relation to your Lordship, as I know it to be false in respect to me.—Assuring your Lordship of my perfect conviction, that such an accusation could never have proceeded from the alledged source, I take the liberty of requesting that your Lordship will authorize me to assert, that the publication was unwarranted by any thing that fell from your Lordship, and that I may have your Lordship's permission for such legal proceedings against the publisher as may seem advisable.

I am, my Lord, your Lordship's

most obedient,

very humble Servant:

HENRY SHEARES.

Bagshot-street,
July 21, 1793.

Dublin, July 25, 1793.

Having received no answer to the above Letter, I deem it a duty I owe to myself, to the Society to which I belong, and to the public in general, to lay the circumstances of this transaction before the Nation.

HENRY SHEARES.

Resolved, that HENRY SHEARES be addressed by this Society.

UNITED IRISHMEN to HENRY SHEARES.

THIS Society has in its choice of a President, been directed to you by its conviction of your patriotic and Constitutional principles.

If by this mark of our respect and confidence, you have been exposed to slander of a most singular and unwarrantable nature, you have derived this honourable distinction from the corrupt policy which has been uniformly employed to vilify the most virtuous assertors of their Country's Rights.

Convinced that the calumny alluded to in your Letter to the Chancellor, is unfounded, and that the meanness which marks it, as well as its malignity, renders it impossible for us to suppose, that it could have proceeded from the authority to which it had been imputed; but was rather the fabrica-

tion of a venal Print, which has long insulted the most honourable and independant characters of the community, we earnestly assure you, that we will co-operate with you in every mode of obtaining justice from the laws of your Country.

Amongst us, nothing is secret, nothing under-hand.——Our numbers, our independence, our individual characters might stand as tests of our intentions.——We have every motive of attachment to the interest and happiness of our country.——The sacrifice you make to your public duty, can only serve to endear you to us more than ever.

To which HENRY SHEARES gave the following Answer.

United Irishmen,

YOUR affectionate address has made the deepest impression on my heart.——I shall ever hope to deserve it.——That principle which first led and attached me to you, has received if possible, additional energy by this testimony of your approbation.——From the laws of my country I have no doubt of redress.——In contempt and defiance of calumny and oppression, I will devote my life to the great cause for which we first united; confident, that by a firm adherence to the principles of our institution we shall proportionally effect the welfare and happiness of our native country.

August 12, 1793.

**The SOCIETY of UNITED IRISHMEN of
DUBLIN.**

To JAMES REYNOLDS, M. D.

HENRY JACKSON, Chairman.

MATTHEW DOWLING, Secretary.

WE thank you for your legal and constitutional resistance to an Examination on oath before a committee of the House of Lords. You rightly distinguished between the Power assumed by that committee, and the legitimate Authority belonging to that House. The opinion of the soundest Lawyers in both kingdoms sanctions this Distinction. In your conduct mild but manly, in your language gentle in the Letter but magnanimous in the Spirit, the obstinacy of Virtue, and the pride of good sense were well contrasted with fierce precipitation, vulgar manners and ignoble expression.

The consequence was your imprisonment for near five months,---but this is not a consequence that can ever destroy either political or moral Truth: and to a mind like yours, filled with honest energy, confinement is but a compression which serves to give it greater elasticity. Committed at first for refusing to take an Oath, and enlarged at last though persisting in that refusal, you have at once exposed the abuse of power, its error and its inconsistency. We thank you, Sir, for what you have done and suffered in the cause of your coun-

try ; and although this Country sits at present a silent spectator in torpid astonishment at the bold Measures hazarded by bad frontless men, and at a time when we are scarcely suffered to think as we please, much less to speak as we think, even at such a Time the *Society of United Irishmen* would deem it the same criminal Neutrality to conceal their censure where it was justly due, and to withhold from you, Sir, an equally just approbation.

To this Address, which was accompanied with his adoption as a Member, Dr. Reynolds returned the following answer.

ACCEPT the grateful acknowledgments of a Man whose warmest Wish is the Liberty and Happiness of all his species.

My sentiments have at all times been congenial with yours.... As an Irishman I will be ever ready to resist Oppression, and actively pursue every Measure which may tend to the complete Emancipation of my country.

JAMES REYNOLDS.

Friday, 16th August, 1793.

**THE SOCIETY OF UNITED IRISHMEN OF
DUBLIN.**

JOHN SHEARES, Chairman.

W. L. WEBB, Secretary.

TO THE HON. SIMON BUTLER

AND OLIVER BOND, Esq.

Gentlemen,

Our dear and respected friends !

ON the first of March we saw you enter into prison, with an air and manner that testified not only a serene and settled conviction in the justice of your cause, but a cheerful confidence in your own fortitude to sustain all the consequences that an attachment to this cause might bring upon you. — And we now see you, after an imprisonment of six months, come out with the same unbending spirit ; in the same health of body ; with the same alacrity of mind ; both preserved sound and unaltered, probably from the same cause, that vital energy which a sense of unmerited suffering, and the consciousness of doing our duty, never fail to communicate. It is this conscious sense of unmerited injury blows up the spark of life, and invigorates both the head and the heart. This — which made Mirabeau write for Liberty in a dun-

geon, while his enemies conspired against it in the anti-chamber; this—which expanded the soul of Rawleigh, gave it power to wander at large, and, in spite of bars, in defiance of gaolers, to leave the narrow cell where his body lay, and write for posterity—a History of the World.

Notwithstanding the irresistible argument of six months imprisonment in a common goal, we are still inclined to lament, that the law and custom of parliament should have ever entered into a contest with the liberty of the press and the rights of the people; and that a discretionary power of punishment should so often supersede the ordinary course of criminal jurisdiction and the sacred trial by jury. We continue still inclined to believe, that all undefined and irresponsible power, by whatever person or body assumed, is in its nature despotic. The Vigilance of the people, and the censorship of the press, are the only means of guarding against its deadening influence, and preserving those barriers which the spirit of free government ought to place between the legislative, executive, and judiciary departments. We still think, that particular and anxious care ought to be taken, never to mingle and confound the legislative and judicial powers, for the conjunction is politically incestuous, and the production is always a monster.

Gentlemen—your country is much your debtor. But we must suppose you by this time too well experienced in the mutability of public opinion, to expect that she will, for the present, acknowledge the debt, much less—return the obligation; that she will either sympathize with what you have suffered, or partake in our heartfelt joy at your enlargement. Indeed you will scarcely now know

your country, in a few months so much altered. Indisposed to condole or to congratulate, desponding without reason, exhausted without effort, she sits on the ground; in a fit of mental alienation; unconscious of her real malady, scared at every whisper; her thousand ears open for falsehoods from abroad, her thousand eyes shut against the truth at home; worked up by the false suggestions and artful insinuations, to such a madness of suspicion, as makes her mistake her dearest friends for her deadliest foes, and revile the only Society which ever pursued her welfare with spirit and perseverance, as attempting at her life with the torch of an incendiary and the dagger of an assassin.

From a public, thus inquisitive about the affairs of other people, thus incurious about its own, thus deluded, we were going to say, in language of high authority, thus *besotted*, we appeal for your fame, and our own justification, to the same public, in a more recollected, a more sober, a more dignified moment: when the perishable politics of party in place, and party out of place, shall have passed away like the almanack of the year; when the light shall break in on an under-working *Family Compact*, whose business it has been to conceal the real situation and sentiments of this country, from the immediate councils of the Sovereign; when a compromising, parlying, panic-struck opposition, negotiating without authority, surrendering without condition, shall repent of their pusillanimous credulity; and, when the nation shall dare to acknowledge as a truth, what in its conscience it feels as a fact, that those only are her friends who stand up while all are prostrate around them, and call aloud on ministry and on opposition

for Reform, radical, comprehensive, immediate; such as will nationalize liberty, and make this country cease to be what it has been well described—"a heavy handed unfeeling aristocracy over a people ferocious and rendered desperate by poverty and wretchedness." But if such a time should not soon arrive; if this country should remain still abused and contented; there is a World elsewhere. Wherever Freedom is—*there* is our Country, and *there* ought to be our Home. Let this government take care. Let them think of depopulation, and tremble. Who makes the Rich?—the Poor. What makes the shuttle fly, and the plough cleave the furrows?—the Poor. Should the Poor emigrate, what would become of you, proud, powerful silly men?—What would become of you, if the ears of corn should wither on the stalk, and the labours of the loom should cease?—Who would feed you then if hungry, or clothe you when naked?—Give the Poor a Country, or you will lose one yourselves. Mankind, like other commodities, will follow the demand; and if depreciated here below all value, will fly to a better market.

Gentlemen, we again salute you with great respect and affection, as Friends and Brothers. We salute you, in the unity of an honest and honourable cause. May you receive the reward for your sufferings, and triumph in the Freedom of your Country.

August 16, 1793.

THE HON. SIMON BUTLER

AND OLIVER BOND, Esq.

Returned the following Answer :

WE received the honour of your spirited and affectionate address, with equal pride and gratitude. You have done justice to the feelings which have supported us under our imprisonment; and, if our situation required adventitious consolation, the *patriotic* attention of our numerous friends has most amply supplied it. Our sufferings have not warped our understandings: and we still think, that we only discharge an indispensable duty, while we treat all public topics with free discussion—preserving a due respect for the public peace, and the laws of the land. We will only boast of our Constitution when it knows no power which is not responsible. Prerogative, founded upon the salutary maxim, that the King can do no wrong, held forth at all times some relief in the responsibility of the Minister; but Privilege, which arrogates to itself a like constitutional principle, precludes all resource whatsoever against its illegal or arbitrary exercise; acknowledging no controul, no corrective, it regards not the forms of laws; and while it remains undefined and irresponsible, there is no safety in the land. We have thought it our duty to seek redress, but we sought it in vain. We have not even received *countenance* in the quarter where the nation might have looked for support. We have not, however, *submitted*. We have *suffered*.

We are now precluded from the possibility of contesting the legality of the fine imposed on us, for the payment thereof has been enforced at the Treasury, without passing through the ordinary medium of the Revenue Side of the Exchequer, where we might have instituted a legal enquiry into the matter before the Barons of that Court, from whose decision there *can* be no appeal, or writ of error to the House of Lords.

A variety of causes may be assigned for the discontented stillness which prevails: the landed interest forms a body very nearly of an aristocratic complexion; the commercial interest is involved in public and private embarrassment; the manufacturers are without a sufficiency of employment, and credit has scarcely an existence. But, notwithstanding the prevalence of this sullen torpor, let us not despair of our country.—Although manœuvres to frustrate public energy are various, hardy and successful; nevertheless, a wanton sacrifice of personal liberty, and a lawless plunder of private property, will not fail to make an impression proportionate to their enormity. We lament the arbitrary intemperance which has determined very many valuable and opulent members of the community to emigrate. And although we exult in the existence of a new world, in which freedom is secured, and equal law duly administered to a nation of citizens; yet, in our opinion, we should not abandon our country to seek those blessings in a foreign land, until we shall have exhausted every constitutional effort to establish them at home. In that great cause we are bound to *suffer* as well as to *act*, and from the performance of that duty we have not shrunk. In the infamy of our imprisonment we take pride, for we take pride in our cause.

—A Seldem has been cast into a common prison before us, and yet he survived the despotism which violated the law and oppressed his country.

Edinburgh, October 28, 1793.

UNTO THE HON. SHERIFF OF EDINBURGH.

The PETITION of WILLIAM SCOT,

PROCURATOR FISCAL of COURT, for the public Interest.

HUMBLY SHEWETH,

THAT in the months of November and December last, or thereby, a most dangerous spirit of sedition made its appearance amongst many of the Leiges in this Country, which was carried to a very great height; and meetings promoted and called at many different places for the avowed purpose of creating disturbances, and overturning the happy constitution of this country — In particular the promoters of these meetings and seditious purposes, procured and brought about what they were pleased to term “A Convention of the Friends of the People at Edinburgh,” sometime in the beginning of December last, which sat and deliberated upon their seditious purposes for several days, during which period, or recently prior thereto, Mr. Archibald Hamilton Rowan, of the kingdom of Ireland, designing himself Secretary to the Society of United Irishmen in Dublin, did, with a malevolent and wicked intention, and with

a view to promote and forward the aforesaid seditious purposes, transmit, or cause to be transmitted, to one or more of the members of the said Meeting, at Edinburgh, calling or styling themselves, "The Convention of the Friends of the People," a printed paper of a most dangerous and seditious tendency, entitled, "Address from the Society of United Irishmen in Dublin, to the Delegates for promoting a Reform in Scotland;" which paper, and the dangerous sentiments therein contained, were recommended by him to that Meeting, and they urged in consequence thereof to adopt the same.—That in the course of the months of June, July, or August last, the said Archibald Hamilton Rowan, with the same wicked and malicious intent, also sent more of these printed papers, with other papers or pamphlets, of a seditious and dangerous tendency to the constitution of these kingdoms to Scotland, to be dispersed and circulated there. And not satisfied with this, he, with the same malicious and wicked intent, and for other seditious and dangerous purposes, is just now come to this country, and is *within your Lordship's jurisdiction.—In order therefore, to check such illegal and unwarrantable proceedings, and prevent the fatal consequences which might ensue therefrom; as also that the said Archibald Hamilton Rowan may be punished according to

* It is observable, that though this petition, and warrant, granted thereon, which bears date the 28th of October, 1793, states Mr. Archibald Hamilton Rowan to be then within the jurisdiction of the Sheriff of Edinburgh; yet Mr. Archibald Hamilton Rowan did not leave Dublin until the evening of the 31st of the said month.—arrived in Edinburgh at one o'clock of the 4th November, 1793; and in less than one hour afterwards he was taken into custody.

law, if guilty ; your Lordship's warrant to the effect after mentioned, is craved.

May it therefore please your Lordship to grant Warrant to officers of court, and other executors of the law, to search for and apprehend the person of the said Archibald Hamilton Rowan, wherever he can be found within this Shire, and to bring him before you for examination — and thereafter, if you see cause, to commit him prisoner to the Tolbooth of Edinburgh, or Canongate, therein to remain, until liberate in due course of law, according to justice.

(Signed) WILLIAM SCOT, P. F.

Edinburgh, October 28, 1793.

The Sheriff having considered the petition, grants warrant to officers of court, to apprehend and bring before him the person of the within designed Archibald Hamilton Rowan, for examination.

(Signed) JOHN PRINGLE.

November 4, 1793.

The which day, compeared in the presence of John Pringle, Esq. advocate, his Majesty's Sheriff depute of the Shire of Edinburgh, Archibald Hamilton Rowan, Esq. of Rathcossy, in the county of Kildare, Ireland, who being examined*

* This examination was carried on in secret; the Sheriff depute, the Sheriff's substitute, two clerks, the Procurator Fiscal, the messenger, and Mr. Archibald Hamilton Rowan, were the only persons present. — Mr. Archibald Hamilton Rowan requested that Mr. Butler should be admitted, but his request was refused, it being contrary to the customs and laws of Scotland, to admit at such examination the presence of any person on behalf of the party under examination.

and interrogated, Whether or not the declarant is acquainted with Mr. Thomas Muir, younger, of Hunter's Hill, presently prisoner in the Tolbooth of Edinburgh, declares, That had the declarant been in his own country when he was apprehended, he would have requested to see the warrant, but thinking the first duty of a good citizen, to be submission to the law for redress, he has attended; but being ignorant of the laws of this country, and not knowing how far he may criminate himself, and thinking the interrogatory unconstitutional in itself, he begs leave to decline answering.

—Interrogated.—Did the declarant in the months of November, December, or January last, transmit, or cause to be transmitted, to the said Thomas Muir, or to any other person in Scotland a printed paper, dated November 23d, 1792, entitled, "Address from the Society of United Irishmen in Dublin, to the delegates for promoting a reform in Scotland, William Drennan, chairman; Archibald Hamilton Rowan, secretary?"—declares, That for the reasons above-mentioned, and because the declarant, sees that the accusations against him, are the having transmitted such an address, he declines answering.

Interrogated.—Did the declarant write a letter to the said Mr. Muir, or any other person, desiring him to lay the aforesaid address, before the meeting of delegates for promoting a reform in Scotland, designing themselves the Convention of the Friends of the People in Scotland? Declares and declines answering for the reasons already assigned.

—Interrogated.—Did the declarant see the aforesaid Mr. Muir in Ireland, in the months of June, July, or August last, and then give Mr. Muir a copy, or copies of a printed Pamphlet, entitled, "Proceedings of the Society of United

“Irishmen in Dublin?” Declares, That the declarant conceives the whole of this examination, as tending to criminate himself; that he is not conscious of having ever acted unlike a good citizen, either here or in his own country, and appeals to the justice of his cause, when legally and constitutionally brought forward, for his exculpation, declining to answer the question.—Interrogated—At what time the declarant arrived in Edinburgh? Declares, That he arrived about one o’clock in the afternoon of this day.—Interrogated—Has the declarant seen or spoke with the aforesaid Mr. Muir, since the declarant arrived in Edinburgh? Declares, That the messenger who took him into custody, found him in Mr. Muir’s room.—Interrogated—Did the declarant come to Edinburgh at present, as a delegate from Ireland, to attend the Convention of the Friends of the People, at Edinburgh? Declares, That if he had the honour of being appointed as a delegate to attend that meeting, he would have taken care to come before it had broke up.—Interrogated—Did the declarant write a letter to any person in this country, intimating that he meant to attend the aforesaid meeting as a delegate from Ireland, or in any other capacity? Declares that he did not.—Interrogated—Did the declarant receive an invitation from any person or persons in this country, to attend a meeting, designing themselves a Convention of the Friends of the People, and which was held in Edinburgh last week? Declares, That he did not receive such invitation.—Interrogated—Did the declarant receive an invitation to attend any other meeting for reform in Edinburgh, under any other designation than that above mentioned? Declares, That he received

no invitation to attend any meeting whatever, in Edinburgh. Declares and acknowledges, That the petition of the Procurator Fiscal, with the sheriff's warrant upon it, in consequence of which the declarant was apprehended and brought before the sheriff, was read over to the declarant before the examination proceeded. All this he declares to be truth.

(Signed)

ARCHIBALD HAMILTON ROWAN.
JOHN PRINGLE.

The before designed Archibald Hamilton Rowan, being further examined, and shewn a printed Pamphlet, entitled "Proceedings of the Society of United Irishmen of Dublin," and interrogated Whether the Declarant has before seen the said Pamphlet, or any copy of it? Declares that he knows that the Society of United Irishmen published their Proceedings, but does not know whether the copy now shewn him, be a copy of their proceedings or not.——Interrogated—Whether or not the declarant, at any time, acted in the capacity of Secretary to any of the meetings of the aforesaid Society of United Irishmen? Declares and declines answering this question, for the reasons already assigned. Being interrogated, and desired to consider the Pamphlet now shewn to him, and to say to the best of his knowledge and belief, whether or not it is the publication made by the above mentioned Society, as before declared to? Declares and declines answering the question; and which pamphlet is marked as relative hereto of this date. All this he declares to be truth.

(Signed)

ARCHIBALD HAMILTON ROWAN.
JOHN PRINGLE.

The before written Declaration, consisting of the ten preceding pages, was freely and voluntarily emitted Mr. Archibald Hamilton Rowan, therein designed, in presence of John Pringle, Esq. advocate sheriff depute of the shire of Edinburgh; Harry Davedson, Esq. sheriff substitute, and Mr. William Scot, procurator fiscal of said shire; George Williamson, messenger, in Edinburgh; Joseph Mack, and James Williamson, writers in Edinburgh. The declaration being wrote by the said Joseph Mack.

(Signed)

HARRY DAVEDSON.

WILLIAM SCOT.

JOSEPH MACK.

GEORGE WILLIAMSON.

JAM. WILLIAMSON.

November, 4th 1793.

The Petitioner represents, that as the within designed; Archibald Hamilton Rowan, Esq. when under examination before your Lordship, declined to answer several questions put to him: The petitioner is entitled to have your Lordship's warrant against Mr. Archibald Hamilton Rowan under confinement, the Petitioner shall consent that he be liberated from the present, upon finding caution to stand trial, in any criminal complaint to be brought against him, for the crimes charged in the petition, and craves that your Lordship will grant warrant accordingly.

(Signed)

WILLIAM SCOT.

Edinburgh, November, 3, 1793.

The Sheriff having resumed the consideration of this petition, declaration of the within designed Archibald Hamilton Rowan, taken before him of this date, with the before written minute grants Warrant to officers of Court, and George Williamson, Messenger at Arms, to apprehend and incarcerate him in the Tolboots of Edinburgh, or Cannongate: the keepers whereof are hereby ordered to receive and detain him, ay and until he find caution acted in the Sheriff Court Books of Edinburgh, to answer to abide Tryal, and underlye the law, in any complaint of criminal prosecution to be brought against him, within the space of six months, from the date of such caution, before any Court competent upon the subject matter of this petition, and that under the penalty of three thousand Marks, Scots Money.

(Signed)

JOHN PRINGLE.

At Edinburgh, the fourth day of November, seventeen hundred and ninety-three years.

The which Day compeared, Colonel Norman McLeod, residing in George-street, Edinburgh, and judicially enacts, binds, and obliges himself, his heirs, executors, and successors, as cautioners and sureties, acted in the Sheriff court Books of Edinburgh, for Archibald Hamilton Rowan, Esq. of the kingdom of Ireland, presently in Edinburgh that he shall present the person of the said Archibald Hamilton Rowan, Esq. at any time and place to which he shall be lawfully summoned, within

the space of six months from this date, and all the dyets of Court, to answer to abide Tryal, and underlye that law in any complaint or criminal prosecution to be brought against him, within the space aforesaid, before any court competent, either at the instance of his majesty's advocate, or the procurator fiscal of the court, upon the subject matter of the petition and information presented to the Sheriff of Edinburgh, whereon the warrant and commitment against him did of this date proceed, and that under the penalty of three thousand Marks, Scots money.

(Signed)

NORMAN M'LEOD.

At Edinburgh, the fourth day of November, seventeen hundred and ninety-three years.

What is wrote upon this, and the preceding pages, is a just copy of the Proceedings before the Sheriff of Edinburgh, respecting Archibald Hamilton Rowan, Esq.

JOSEPH MACK.

The following is the copy of a Letter from ARCHIBALD HAMILTON ROWAN, Esq; to the Sheriff of Edinburgh, dated November 6th, 1793, which is to be held as part of the declaration.

JOSEPH MACK.

MY LORD,

IN consequence of your kind permission of this morning, I trouble you with the following explanation: Upon reading over the Interrogatory, and examining my papers, I find an incorrectness might be implied from two of the answers I gave to you, in my examination, which I beg leave to elucidate.

“ Interrogated—Did the Declarant receive an invitation from any person or persons in this Country, to attend a Meeting, designing themselves a Convention of the *Friends of the People*, and which was held in Edinburgh last week? Declares that he did not receive such invitation.—Interrogated—Did the Declarant receive an invitation to attend any other Meeting for Reform in Edinburgh, under any other designation, than that above mentioned? Declares that he received no invitation to attend any Meeting whatever in Edinburgh.”

Now I do find that I did receive a Letter in Ireland from an Individual, which contained the following paragraph:—“ I could most earnestly wish that you, or any of your friends, would without delay, do us the honor of a visit.”

I did not recollect this paragraph when I was brought before you, I hardly think it can be

called an invitation, I certainly did not think it such; and I declare upon my honor, that, that Letter, was not the occasion of my coming to Scotland.

I am, my Lord, &c.

(Signed)

ARCHIBALD HAMILTON ROWAN.

N. B. Norman Mc. Leod, Esq; who became the bail of Mr. Archibald Hamilton Rowan, is Member of Parliament for Invernessshire; a Gentleman of large property and extensive connexions. The circumstances of this business being reported to him, while Mr. Archibald Hamilton Rowan was under examination, he attended at the Sheriff's Court, and although he was an entire stranger to Mr. Archibald Hamilton Rowan, yet he insisted in the handsomest manner on becoming bound as his bail.

Friday, November 22d, 1793.

The SOCIETY of UNITED IRISHMEN in
D U B L I N,

To Mr. THOMAS MUIR.

BEAUCHAMP BAGENAL HARVEY,
Chairman.

OWEN Mc. DERMOT, *Secretary.*

WE who so lately heard you, in the centre of our circle, pour out, with a fervor of rational declamation, the earnest prayer of an honest heart, for the freedom, peace and happiness of the human race, have felt, as men ought to feel, (for you are now every man's countryman) on hearing an account, from eye-witnesses, of your present rigorous imprisonment preparatory to fourteen years, not of banishment, but of transportation from your native land,——for what?——for conspiring against the Corruptions of the Constitution, and zealously striving to give a representation to two millions and a half of people.—We address you in no strain of idiot ceremony, but as men sympathizing with man suffering; the language alive and the heart affected.

Let the few Lawyers who can look down on their profession from the height of their nature, expatiate with a noble indignation on the consequence of "Politics entering into the Courts of justice

ard seating herself on the Bench," sharpening the severity of sentence with the snappishness of office, and the acrimony of personal vengeance, seizing with greediness the advantage of unascertained and uncertain punishment, rioting upon *Discretion*, and without weighing the intrinsic nature of the offence, or the inadequacy of the penalty, really punishing Public Opinion, and accumulating all the exasperation felt against the prevailing sense of the community, on the head of an unhappy individual. Let those singular Lawyers detail with energy the terrible defects of judicial procedure in Scotland, through all its stages from accusation to conviction. Let them instance those particular irregularities in form which have vitiated your trial, in the opinion of the best lawyers, as it has already been deemed vitiated by its vindictive spirit, in the minds of the best men. Let this be done—but this is too technical a task for our feelings, nor does it indeed correspond to the dignity, we will venture to call it, the proud importance of your present station. We speak to you as Citizens to a Friend and Brother, Citizens condensed together in affection, perhaps the more from the frozen indifference, which, for the present, we feel around us.

You ought then, Dear Associate ! you ought to extract comfort from your present situation. Pleasure often sickens, but there is sublime and permanent delight in struggling with unmerited misfortune. The cabinet contains its sufferings, its doubts and its despondence ; the cell has its enjoyments, its hopes, and the nightly visitation of self-approving conscience. Has it not already shewn you austere but truly, the distinction between what is lasting and what is perishable ?

Has it not winnowed the world for your use, and separated the chaff of mankind from the grain. Do you not now feel the value of that friendship which clings to the forsaken, the value of that simple and sincere prayer which the poor of Scotland are daily offering up for the Advocate of the People, expelled from his profession, because his principles were not those of a Craft, and banished from his country for having thought as Blackstone, as Locke, and as Sidney? Is it not sweet to think that every hour you now live is *productive*, that your life is not wasted, but burns away an offering on the altar of humanity; that your example serves to inspirit others in the same situation: that your solid virtue may have been the means of averting from others, the sufferings you yourself experience; and, that many who now enjoy their firesides, their wives, and their children may be indebted to your prompt interposition, your steady zeal and your patient magnanimity? Is it not sweet to think that your confinement or exile may, in any way, tend to the liberty of others.

—If that can be called liberty where the public soul is imprisoned, where suspicion clouds the open, candid front of man; where the amiable ingenuousness that keeps no guard, and in the simplicity of the heart forgets to place a seal on the lip, is, at every hour, and in every place, exposed to calumny that lies in silent watch, with all the venom of the snake and without its rattle.

—If that can be called Public Liberty, where two men meet, and after eying each other askance, both ask "What News?" because neither dare answer the question; where the morality of a man may be spotless and yet his person be pro-

scribed and his principles accounted pestilential.— If that can be called Public Liberty, where at the once social table, we see feast without fellowship, company without cordiality, and the jingle of frigid glasses without a free interchange of sentiment, and a mixture of mind—Where at the still dearer domestic board, the wife shudders when her husband drops a word on the strange impressive scenes that are passing before men's eyes, and in a panic, sends off the attendants for fear they have glided into the family as spies, and removes her very children lest they should hear their honest parent give vent to the bitterness of his heart, and call down a curse on the men who have been curses to their country.

Alas for that Country ! Alas for that Constitution, set in such hideous forms before the eyes of those who *wish* to love it, and guard it, and save it from a conflagration that threatens to involve every thing human and Divine?—That our rulers would or could *think at large* !—That they would not fit their minds merely to the dimensions of their closets, and their plans to the expedients of an hour?—That they would go abroad and ascend to such a mental elevation, as not only to contemplate the murmuring multitude below, but with a prescience derived from recollection, to command a prospect into futurity, to trace the progress of mind through the lapse of ages, till lost in Eternal Truth, still flowing onward, still enlarging, rising over every obstacle and sometimes smooth, deep and silent, just before it breaks down into a cataract, followed by a tide wild, broken and innavigable. Would to God, that instead of punishing a worthy man for mixing with the commonalty, our rulers would not merely connive

at, but encourage such an approximation and intimacy between higher and lower society as would cure the vices incident to each, bring the one *down* and the other *up* to their nature, humanizing the great, ennobling the vulgar, and tempering the ferocity of both, in short, as would by turning useless pyramids of Power into humble and cheerful Habitations, make man relish his situation and deprecate all change as the worst of misfortunes!

In whatever part of the world, Dear Sir, it may be your destiny to dwell, believe us, you will bear along with you, our respect, our affection, our admiration. There is an electricity that at present pervades the universal mind, and were you placed at the extremity of the globe, the heart of every Patriot will always feel the touch of *your* condition; we feel much at present on hearing of your illness; we hope there are many years before you; but if otherwise, be satisfied, for you have not lived in vain. If death be, as we believe it, but a pause in existence, your happiness is yet to come; and if death be, as we trust in God it is *not*, an eternal *sleep*, are not the dreams of such an honest man infinitely preferable to the perpetual incubus of a guilty conscience?

THOMAS MUIR.
TO THE SOCIETY OF UNITED IRISHMEN
OF DUBLIN.

AT this period, to express to you my zeal in your cause, and my attachment to your Society would be superfluous and unbecoming. Upon the eve, of being, perhaps for ever, separated from this country and from civilized life, I depart in the firm conviction, that your future proceedings, will be corresponding to the preceding, that your conduct will be marked by that calm but dignified fortitude, which becomes the adherents of freedom, that, trampling upon intrigue, and triumphing over despotism you must finally accomplish the emancipation of Ireland.

In your immortal address, which I had the honour of presenting to the first Convention in Scotland, you have said "away from us and "from our children, those puerile antipathies, "so unworthy of the manhood of nations, which "insulate individuals as well as countries, and "drive the citizen back to the savage. We "esteem and we respect you." Let me in the name of my country presume to entreat the continuance of your esteem, for the great mass of the people in Scotland. They deserve your esteem. In the holy cause of national freedom, they are actuated by the same spirit which animates you. Towards you their hearts burn with affection. Those barriers which a cruel policy had set up, to separate nation from nation, are

now broken down. Of titled distinction and of haughty opulence, they cannot boast, but they possess a better treasure—VIRTUE—VIRTUE the only sure pledge of the existence and of the continuation of patriotism. With clean hands, and with pure hearts, they are worshippers along with you in that temple which is truly Catholic.—The ample earth its area, and the arch of Heaven its dome.

Permit me to congratulate your Society, upon the incorruptible integrity of its members, who have stood the test of persecution. These individuals are both a pledge for, and a specimen of the general body. Their sufferings impose a solemn obligation upon you, to adhere to that cause, of which they have been the first martyrs. Not discouraged, by what they at present endure, you will persevere and imitate their example, and in exile, in the recesses of a dungeon, if need be, you will exhibit yourselves worthy of the honour of having been the associates of James Napper Tandy, of Simon Butler, of Oliver Bond, and of James Reynolds.

To have been introduced to you by Archibald Hamilton Rowan, constitutes my highest pride. To participate with him in common suffering, constitutes my best distinction.

THOMAS MUIR.

Portsmouth, 10th March, 1794.

Surprize Transport, for Botany Bay.

Edinburgh, Monday November 25th, 1793.

THE BRITISH CONVENTION

OF the Delegates of the People, associated to obtain Universal Suffrage and Annual Parliaments, after taking into their Consideration the oppressed State of their brethren in Ireland, and the Unconstitutional Act of the last Session of their Parliament called *The Convention Act*; and seeing with Indignation, that by that Act they were deprived of those Rights, cheaply purchased by the Blood of our common Ancestors, and which have since been confirmed and secured by the great Charter of our Liberties :

RESOLVED, *That all, or any of the Patriotic Members of the Society of UNITED IRISHMEN of DUBLIN, shall be admitted to speak and vote in this CONVENTION.*

RESOLVED, *That the above Resolution be transmitted to Citizen HAMILTON ROWAN, to be by him communicated to the UNITED IRISHMEN of DUBLIN.*

Signed by Order of the Convention.

MAT. CAMPBELL BROWNE, *President.*

W. SKIRVING, *Secretary.*

SOCIETY OF UNITED IRISHMEN OF

D U B L I N,

TO THE BRITISH CONVENTION.

YOUR resolution in favour of this Society, has been communicated to us by our highly respected ARCHIBALD HAMILTON ROWAN.

If Irishmen now consult, through the medium of Delegation (the best mode of avoiding tumult and obtaining cool deliberation) on the means of procuring a Representation of the Nation in the House of Commons, they become feloniously criminal: We therefore receive your resolution, not as a debt due to our merits or our sufferings, but as a measure of manly and energetic policy, the only remaining means of union with Ireland. Those men who are interested in resisting the measures of Reform in the three Kingdoms, have long since conspired together, and have frequently experienced the benefits resulting from such co-operation: It is by that union they have been so long enabled to oppress the Democracy of these Countries. Identity of interest and object is their bond of union; let us learn wisdom from our enemies, and let us also be united by identity of interest and of object. Our repeated failures of success must convince us, that while each Nation stands back, waiting until the others shall have made the first struggle, we must all be baffled. Our cause is a common cause, and must be won by common exertions.

Certain measures which have been recently

taken in this Country to stifle the voice of the People, may probably, in consequence of this wide extended conspiracy against Reform, be adopted in Great Britain with a similar intention. While yet unrestrained, guard against the impending danger; deliberate in time upon the means of frustrating the attempt, should it be made; and of avoiding its oppressive consequences, should it be successful: and if you can devise a mode by which we may all, in such case co-operate, you may rely on our exertions.

It is to inculcate this principle of union, and not with the idea of conferring honor, that we have passed the resolution we now inclose to you. By it you will find we have not only embraced all the Members of your Convention as Brothers and Associates, but have also extended those titles to all your Constituents. To them we request you will make known this assurance of our affection. Tell them it is at this moment of danger and persecution, while you are threatened with all the complicated miseries, a malignant policy, yet unglutted with the multitude of its victims, can inflict, that we are cemented together by the unity of our cause, and pledge ourselves to an undeviating fidelity for its success.

In pursuance of the great object of our Association, we are now preparing such a plan of Reform, as, in our apprehension, will, if carried into effect, give an impartial and adequate Representation to the People in Parliament. When arranged, it shall be transmitted either to you, if you should be then assembled, or otherwise to the several Societies by which you are Delegated.

December 20th, 1793.

The SOCIETY of UNITED IRISHMEN of
D U B L I N.

*J. REYNOLDS, Chairman.**JOHN DONOVAN, Secretary.*

THE Society taking into consideration the oppressive attempt in Edinburgh to stifle the voice of the people, through the British Convention, and the spirited and truly patriotic resistance to that attempt.

RESOLVED, That all or any of the members of the British Convention, and of the patriotic Societies, which delegated members to that Convention, shall be received as brothers and members of this society.

T

A P L A N

Of an **EQUAL REPRESENTATION**
of the **PEOPLE of IRELAND**
in the **HOUSE of COMMONS.**

Prepared for Public Consideration by the **SOCIETY**
of **UNITED IRISHMEN of DUBLIN.**

BEAUCHAMP BAGENALL HARVEY, Chairman.

OWEN Mc. DERMOT, Secretary.

I. **T**HAT the Nation, for the Purpose of Representation solely, should be divided into 300 Electorates, formed by combination of parishes; and as nearly as possible equal in point of Population.

II. **T**HAT each Electorate should return one Representative to Parliament.

III. **T**HAT each Electorate should, for the Convenience of carrying on the elections at the same time, be subdivided into a sufficient number of Parts.

IV. **T**HAT there should be a returning Officer for each Electorate, and a deputy returning Officer for each Subdivision, to be respectively elected.

V. **T**HAT the Electors of the Electorate should vote, each in the Subdivision in which he is registered, and has resided as herein after specified.

VI. THAT the returning Officers of the Subdivisions, should severally return their respective Polls to the returning Officer of the Electorate, who should tot up the whole, and return the person having a majority of votes, as the Representative in Parliament.

VII. THAT every Man possessing the Right of Suffrage for a Representative in Parliament, should exercise it in his own person only.

VIII. THAT no Person should have a Right to vote in more than one Electorate at the same Election.

IX. THAT every male of sound mind, who has attained the full age of 21 years, and actually dwelt, or maintained a Family Establishment in any Electorate for six months of the immediately previous to the commencement of the election, (provided his Residence, or maintaining a Family Establishment be duly registered) should be intitled to vote for the Representative of the Electorate.

X. THAT there should be a Registering Officer, and a Registry of Residence in every Subdivision of each Electorate; and that in all questions concerning Residence, the Registry should be considered as conclusive Evidence.

XI. THAT all Elections in the Nation should commence and close on the same day.

XII. THAT the Votes of all Electors should be given by voice, and not by ballot.

XIII. THAT no Oath of any kind should be taken by any elector.

XIV. THAT the full age of 25 years should be a necessary qualification to intitle any man to be a Representative.

XV. THAT Residence within the Electorate should not, but that Residence within the Kingdom should be a necessary Qualification for a Representative.

XVI. THAT no Property Qualification should be necessary to intitle any Man to be a Representative.

XVII. THAT any person having a Pension, or holding a place in the Executive or Judicial Departments, should be thereby disqualified from being a Representative.

XVIII. THAT Representatives should receive a reasonable stipend for their services.

XIX. THAT every representative should, on taking his seat, swear that neither he, nor any person to promote his interest, with him, gave, or was to give any bribe for the election of any voter.

XX. THAT any representative convicted by a Jury, of having acted contrary to the Substance of the above Oath, should be for ever disqualified from sitting or voting in Parliament.

XXI. THAT Parliaments should be Annual.

XXII. THAT a Representative should be at Liberty to resign his delegation upon giving sufficient Notice to his Constituents.

XXIII. THAT Absence from duty for should vacate the Seat of a Representative.

The SOCIETY of UNITED IRISHMEN of
D U B L I N.

To the PEOPLE of IRELAND.

PEOPLE OF IRELAND,

WE now submit to your consideration, a plan for your equal representation in the House of Commons. In framing it, we have disregarded the many over-charged accusations, which we hear daily made by the prejudiced and the corrupt, against the people, their independence, integrity and understanding. We are, ourselves, *but a portion of the people*; and that appellation, we feel, confers more real honor and importance, than can, in *these times*, be derived from places, pensions, or titles. As little have we consulted the sentiments of Administration or of opposition. We have attentively observed them both, and, whatever we may hope of some members of the latter, we firmly believe that both those parties are equally averse from the measure of adequate reform. If we had no other reason for that opinion, the plan laid before Parliament, in the last session, under the auspices of opposition, might convince us of the melancholy truth. Thus circumstanced, then, distrusting all parties we hold it the right and the duty of every man in the nation, to examine, deliberate, and decide for himself on that important measure. *As a portion of the People* (for in no other capacity, we again repeat it, do we presume to address you) we suggest

to you our ideas, by which we would provide to preserve the popular part of the Legislature uninfluenced by, and independent of the other two parts, and to effectuate that essential principle of justice and of our Constitution, that every man has the right of voting, through the medium of his representative, for the law by which he is bound : that sacred principle, for which America fought, and by which Ireland was emancipated from British supremacy ! If our ideas are right, which we feel an honest conviction they are, adopt them ; if wrong, discussion will detect their errors, and *we at least*, shall be always found ready to profit by, and conform ourselves to the sentiments of the People.

Our present state of representation is charged with being unequal, unjust, and by no means calculated to express *your* deliberate will, on any subject of general importance. We have endeavoured to point out the remedies of those evils, by a more equal distribution of political power and liberty ; *by doing justice* ; and by anxiously providing that your deliberate will shall be, at all times, accurately expressed in your own branch of the Legislature. If these are not the principles of good government, we have yet to learn from the Placemen and Pensioners that sit about the Castle, in what the science of Politics can consist. But we know they are, and we are bold to say, that the more a government carries these principles into effect, the nearer it approaches to perfection.

We believe it will be said that our plan, however just, is impracticable in the present state of this country. If any part of that imprac-

ticability should be supposed to result from the interested resistance of borough-proprietors, although we never will consent to compromise the *Public Right*, yet we, for our parts, might not hesitate to purchase the *Public Peace* by an adequate compensation. At all events, it rests with you, Countrymen, not with us, to remove the objection. If you do not wish the accomplishment of such a Reform, it will not take place: if you do, we cannot believe that Ireland is yet sunk to that state of mis-government, in which it may be truly said, that although the great body of the People seriously feel the justice of a measure, and are seriously determined on its attainment, it is nevertheless impracticable.

To you, among our Countrymen, for whose welfare, we have peculiarly laboured from the first moment of our institution, and the contemplation of whose prosperity will more than compensate us for the sufferings we may have endured, for the calumnies with which we are aspersed, and for those which the publication of this unpalatable plan will call down upon us: *To you the poorer classes of the community* we now address ourselves. We are told you are ignorant; we wish you to enjoy Liberty, without which no People was ever enlightened: we are told you are uneducated and immoral; we wish you to be educated, and your morality improved, by the most rapid of all instructors—a good government. Do you find yourselves sunk in poverty and wretchedness? Are you overloaded with burdens, you are but little able to bear? Do you feel many grievances, which it would be tedious, and might be *unsafe* to mention? Believe us,

they can all be redressed by such a reform as will give *you* your just proportion of influence in the legislature, AND BY SUCH A MEASURE ONLY. To that, therefore, we wish to rivet all your attention. Let those Men, who wrangle about preserving or acquiring power, catch at popularity by their petty regulations to check the progress of these growing evils; do you deliberate, in the retirement of your hearts, upon their only adequate remedy. Desist, we entreat you, from those disturbances, which are a disgrace to your Country, and an injury to yourselves, which impair your own strength, and impede your own cause. Examine, *peaceably and attentively*, the plan of reform we now submit to you. Consider, *Does it propose to do YOU justice? Does it propose to give YOU sufficient protection?* for we have no fears, but that the Rich will have justice done to them, and will be always sufficiently protected. Hang this plan up in your Cabbins: think on it over and over again: Do not throw it by in despair, as being impossible to be carried into effect; FOR NOTHING, WE HOPE, IS IMPOSSIBLE THAT IS JUST.

February 7th, 1794.

THE SOCIETY OF UNITED IRISHMEN OF

D U B L I N,

TO ARCHIBALD HAMILTON ROWAN, *esq.**J. REYNOLDS, Chairman.**JOHN DONOVAN, Secretary.*

WE offer you our congratulations the only testimonial of our regard, which could be acceptable to you. We disdain to address a mind like yours in the language of pity and condolence. Although torn from what constituted the chief felicity of your being, the society of an amiable exemplary wife, and the superintendence of a numerous and promising offspring, you are plunged into a loathsome prison. Yet the rectitude of your cause, the firmness of your principles, the unbending energy of your mind, the ardent affection of your grateful countrymen, (to the assertion of whose liberties you have devoted yourself) will cheer and sustain you through the progress of a tedious imprisonment.

When we call to recollection, the illustrious dead who stood forward, the champions and victims of their Country's cause.—When we think of Hambden, of Russel and of Sidney, who have sealed their principles with their blood, all inferior feelings subside and we forget the severity of your sufferings in their glory.

Although corruption has been leagued with falsehood, to misrepresent and vilify this Society, we have reposed in honest confidence on the consoling reflection, that we should at all times find an impregnable barrier in the TRIAL BY JURY—Wherein *character* and *intention* should be regarded as unerring guides to justice. But while we have been earnestly endeavouring to establish the constitutional rights of our Country, we suddenly find ourselves at a loss for this FIRST AND LAST STAKE OF A FREE PEOPLE, for the trial by Jury, loses its whole value, when the Sheriff or the Pannell are under the influence of interest, prejudice or delusion, and that battery which liberty and wisdom had united to construct for the security of the People, is turned against them.

However in defiance of that system of proscription, which is no longer confined to a particular persuasion, but which visits with vengeance every exertion in the cause of freedom, we trust you are assured of our inflexible determination, to pursue the great object of our association.—AN EQUAL AND IMPARTIAL REPRESENTATION OF THE PEOPLE IN PARLIAMENT. An object from which no chance or change, no slander, no persecution, no oppression shall deter us.

Newgate, February 8:h, 1794.

UNITED IRISHMEN,

YOU have greatly over-rated both my merits and my sufferings. My merits, as a Citizen, consist in an honest, and resolute attachment, in my principles, and in my practice, to that bond of our Society, an Equal Representation of the People in Parliament; which I consider to be the essence of the British Constitution, and which I esteem of absolute necessity for the peace and liberty of Ireland.

Do not tarnish the memory of the illustrious dead by hasty comparisons with the living. If my sufferings, slight as they are in comparison with past and PRESENT examples, shall in any way contribute to our common object, I shall deem myself both honoured and rewarded.

ARCH. HAMILTON ROWAN.

FAIS CE QUE DOY, ARRIVE QUE POURRA.

March 14, 1794.

THE SOCIETY OF UNITED IRISHMEN OF
D U B L I N,

TO THE PEOPLE OF IRELAND.

JAMES REYNOLDS, Chairman.

JOHN DONOVAN, Secretary.

WE submitted to your consideration such a plan for your equal representation, as would, in our judgment, if carried into effect, give you your just and constitutional weight in the legislature. We exulted in the thought that our exertions had contributed to raise the public mind to that elevated point, from which it might view its widely extended rights; from which it might discover the real insignificance of every proposal towards reform, that should not seek the full measure of justice; which should not give to all, who were in any degree bound by the law, the power of choosing those who made the law. We thought the simplicity of the Plan the best Test of its honesty, and that its appeal to the common sense of the nation rendered any explanation of its principles unnecessary. We are, however, now called upon to justify its primary principle by the objections, which have since been raised against it; and should we succeed, our triumph must be that of argument over invective,

of reason over prejudice, and of justice over power.

It is an apprehension with some that should every man be allowed to vote for a representation in parliament, the monarchy and aristocracy of the Constitution would soon be overborne and destroyed by the exorbitant power and republican spirit of the democracy. Let it be remembered, that the British Constitution has amply provided against the probability of such an event. It has appointed a sole executive officer, invested with prerogatives to strengthen the executive power, and with a certain portion of legislative authority to defend those prerogatives. It has instituted a substantial aristocracy, not deriving all its weight and authority merely from the king's patents, but hereditary, and possessing a mass of property, by which, backed and supported, if necessary, by the executive prerogatives and legislative authority of the crown, it is enabled to withstand the attacks of the democracy. Away then with this idle apprehension—Can any danger attach upon so much influence and so much power? On the contrary, can any thing short of pure democracy maintain against them the integrity and independence of the House of Commons?

But it is said that the lower classes of the community, being without property, have no stake in the country, and therefore ought not to vote for any part of the legislature. In consequence of the representative system every man is supposed to be either individually or by his delegate a party to making the laws, by which he is to be bound.

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* The elective right cannot therefore be denied on constitutional principle to any one; as they are bound by the laws as well as others. Laws operate on life, liberty, and property. Why is property represented? Because it is valuable to the possessor, and may be affected by the law. Why should liberty and life not be represented? Are they not more valuable to their possessor, and may they not also be affected by the law? Since Liberty and Life are the most important objects of legislation, the poorer class have a right to some controul over the legislature, and it is just that they should exercise it. The spirit of many of our laws is aristocratic, and by no means calculated for the protection of the poor. To pass over the remarkable instances of the Game Laws and the Stamp Act, the latter of which, by operating on legal proceedings, shuts the door of justice against the poor, we shall refer to a much more important system, our *criminal Code*. If the lower classes of the community had been represented in Parliament, when their necessities first urged them to insurrection and outrage,

* Although this is at present only a *supposition*, yet there are strong reasons for believing that it was once a *fact*. Mr. Prynne, one of the most profound legal antiquarians, asserts, that before the 8th Hen. 6th. ch. 7. every inhabitant and commoner in each County had a voice in the election of Knights, whether he were a freeholder or not." Brev. Parl. Red. p. 187.—Of the same opinion seems Whirlocke. 2d. Whitel. p. 90.—It seems very considerably confirmed by the words of the 7th Hen. 4. chap. 15.—And Sir Thomas Smyth in his commonwealth p. 37. has the following words, "every Englishman is intended to be present in Parliament, either in person, or by procuration or attorney, of what pre-eminence, state, or dignity, or quality soever he be, from the prince to the lowest person in England, and the consent of the Parliament is taken to be every man's consent."

under the denominations of White Boys and Defenders, Parliament would have enquired into and redressed their grievances, instead of making laws to punish them with death. The Acts, which are prohibited by many of our laws are crimes: but the punishments, inflicted by those laws, are still greater crimes. The reason of this disproportion is, that the rich man is never guilty of sheep-stealing, and the poor man has no one to plead his cause in the senate.

If, however, it be a principle that no man, who does not contribute to the support of government, should be mediately or immediately concerned in legislation, such principle would be no exclusion to the poor, for they contribute in proportion to their means. The poorest man in the land pays taxes for his fire, his candle, for his potatoes, and his cloathing; and the poorer he is, the greater occasion he has for a vote, to protect what little he has, which is necessary not to his qualification merely, but to his very existence. He has a property in his labour, and in the value it will bring in the market, the field, or the manufactory: a property, on account of its smallness, of more real value to him than thousands of pounds to the rich and luxurious: a property, which must render him more interested in the honest disposal of the public money, since one additional tax may crush him, than those can be who receive that public money by virtue of places without employment and pensions without merit. Property is merely the collection of labour: it possesses the very same qualities before, as after, it is collected into a heap; and the scattered labour of the lowest ranks is as real, and ought to be as really represented as the most fix-

ed and solid property. Reason, we think, says this; and sad experience has manifested, that giving political power exclusively to property collected, not to the mass of living labour, has been in all ages, and particularly in modern times, the true cause of feudality, of vassalage, and of aristocratic despotism.

It is also used as an argument, that although in theory every man has a right to vote, yet the exercise of that right among us would be impracticable or attended with outrage from the multitude of voters. To that we answer, that the practicability of the measure depends on a few regulations, which, we apprehend, could be easily contrived to render elections practicable and tranquil. Let there be a division of the kingdom into parts, sufficiently small, and, as nearly as possible, equal with respect to population, and let the several elections annually commence and conclude throughout the kingdom on one and the same day.

Some friends to universal suffrage in a new country, urge a local objection to it's being applied to Ireland. They say that the lower classes of people in this country peculiarly unfit for the exercise of suffrage on account of their extreme ignorance. We know of no description of people in this country peculiarly unfit for the exercise of their rights: and if we did, we would fit them for it by giving it to them. What has made those classes so extremely ignorant? The privation of those rights, which, if enjoyed, would have procured them knowledge. Apply the reverse of that, which has debased, and it will exalt them. Give them the elective franchise, and let them exercise it directly. It is not just to judge of what the people would be, when em-

bodied into the constitution of their country, from their present state of debasement, in which they feel themselves unconnected with it. We trust that our countrymen, even the poorest, who are now stigmatized with the appellations of Swine, Wretches, and Rabble, would, if restored to their rights, evince an elevation of sentiment, which, setting every species of corruption at defiance, must humble the pride of wealth by the superior lustre of virtuous poverty.

Indeed the local circumstances seem to us rather in favour of introducing it into Ireland. We have lately had occasion, in considering the Catholic claims, to examine into the foundations of government. The Catholic has taught all Ireland, that to be taxed or legislated for, without being represented, is an oppression, which sinks the sufferer into a slave. He insisted on his right to the elective suffrage, because he was bound by the laws, and contributed to the expences of the state. The doctrine, once broached, can never be forgotten; and the remaining slave, whom reform shall not have raised to the rank of citizen, will remember the argument of the Catholic, and ask himself "am I not bound by the laws; and do I not, in my humble sphere, contribute to the expences of the state? Why am I not represented? Is it not my right? and shall I not insist upon my right." Sooner or later the measure must come. The eternal principle of justice will be repeated in louder and louder tones, until at length it must be heard and observed. Why then not now? Why leave behind a source of new reforms, perhaps of convulsions? If reform only communicate power to a greater number, and do not give liberty to all, it will only

strengthen the ruling, and weaken the oppressed body? so that when the slave shall have acquired sufficient courage to speak, the obstinacy of the citizen will compel him to act. We cannot forget the language made use of to intimidate the Catholic from prosecuting his claims, and that those very claims, shortly after having been rejected with scorn, were admitted with respect. The same line of prudence and wisdom which we are persuaded, be pursued in the case of reform, whenever convincing proof of the public sentiment shall be received on that subject, and the kingdom, by the restoration of universal suffrage, be delivered over to uninterrupted peace and happiness.

Contemplating this grateful prospect, we smile with much internal satisfaction, on hearing those intemperate and abusive expressions, which the members of opposition make use of against this Society. We smile at their inability to conceal the vexation and disappointment they have felt on finding themselves forsaken by the People—(That people, whose majesty they insult, but whose forbearance they at the same time solicit,)—on finding themselves falling, like the ostentatious Balloon, from that height, to which they had risen by a sort of inflammable levity, and there sustained solely by the breath of popular favour. We smile at the curious coalition of political parties against our Society—to see them all club their wisdom and their wit, to manifest to the whole country that we are really formidable—but we are rather inclined to pity that forced fraternity, that monstrous conjunction which, in spite of the horror of instinct, and the antipathy of nature, can join in one common effort the highest Genius

with the lowest Ribaldry—How great must be the panic that can unite such extremes ! We can bear, as we have borne, the common place invective against this society : but we feel some indignation, when they, who should look on themselves as the purchased property of the people ; to whose fortune every man, even "*The Beggar on the Bridge*," has contributed ; whom the "*Shouts of the Mob*" have raised to the height of their Fame—When such men inveigh against armed Beggary and Shabby Sedition, we cannot but remember a time, when the usual adjunct to their own names was "*Shabby and Seditious Incendiaries*." It is not manly, it is not decorous to deal out this contumelious language against the great mass of mankind. The use of contemptuous terms disposes to contemptuous treatment, and those whom we vilify as Mob, we soon learn to slight as men. It is the unequal partition of rights, and what results from this, the arrogance of power, and the abasement of poverty, which makes Mob, instigates to tumult, and goads to insurrection. If the people were respected they would reverence the constituted authorities ; but to gain this respect, they must possess those rights which are the prerogative of their nature, and the worth of manhood.

Opposition seems surprised that the people should view their debates with indifference. We will tell them the reason. It is because nothing passes of a nature to animate and interest that people—nothing, from which an individual can promise himself more happiness, or the community more splendour—it is because enthusiasm no longer lights up the countenance of Grattan, and wells every heart with something great and

good, and with a prospect of something greater and better—it is because there appears no internal spring of action, no fixture of character; but good and bad qualities, as it were, *external*, and neither virtues nor vices their own. It is because once in seven years the people are treated as Majesty, and in the interval mal-treated as Mob.

We have not in our Plan of Reform paled in little parks of aristocracy.—Our Plan has not been described with a pair of compasses, nor have we defaced with childish circles the system of nature, and the chart of the Constitution. There is no truth in any political system, in which the Sun of Liberty is not placed in the centre, with knowledge to enlighten, and benevolence to warm and invigorate; with the same ray to gild the Palace and illuminate the Cottage. The Earth moves said Galileo, and the Sun stands still. He was imprisoned for the heretical assertion, for a libel against the laws of nature, and for exciting sedition among the stars.—But the Earth moves notwithstanding; and in spite of fine, imprisonment, pillory and transportation, the Rights of Man are the immoveable centre of the Free Constitutions, that has hitherto regulated times and determined Revolutions.

The SOCIETY of UNITED IRISHMEN of

D U B L I N,

To JOSEPH PRIESTLEY, D. D.

JAMES REYNOLDS, Chairman,

JOHN DONOVAN, Secretary.

SIR,

SUFFER a Society which has been calumniated as devoid of all sense of religion, law, or morality; to sympathize with one, whom calumny of a similar kind is about to drive from his native land, a land which he has adorned and enlightened in almost every branch of liberal literature and of useful philosophy. The emigration of Dr. Priestley, will form a striking historical fact, by which alone, future ages will learn to estimate truly the temper of the present times. Your departure will not only give evidence of the injury which philosophy and literature have received in your person, but will prove that accumulation of petty disquietudes, which has robbed your life of its zest and enjoyment, for at your age no one would willingly embark on such a voyage, and sure we are, it was your wish and prayer to be buried in your native country, which contains the dust of your old friends, Saville, Price, Jebb and Fothergill. But be cheerful, dear Sir, you are going to a happier world—the world of Washington and Franklin.

In idea, we accompany you. We stand near you while you are setting sail. We watch your eyes that linger on the white cliffs, and we hear the patriarchal blessing which your soul pours out on the land of your nativity, the aspiration that ascends to God for its peace, its FREEDOM, and its prosperity. Again, do we participate in your feelings on first beholding nature in her noblest scenes and grandest features, on finding man busied in rendering himself worthy of nature, but more than all, on contemplating with philosophic prescience, the coming period when those vast inland seas shall be shadowed with sails, when the St. Lawrence and Mississippi, shall stretch forth their arms to embrace the continent in a great circle of interior navigation; when the Pacific Ocean shall pour into the Atlantic; when man will become more precious than fine gold, and when his ambition shall be to subdue the elements, not to subjugate his fellow creatures, to make fire, water, earth, and air obey his bidding, but to leave the pure ætherial mind, as the sole thing in nature free and in-
-ercible.

Happy indeed would it be were men in power to recollect this quality of the human mind. Suffer us to give them an example from a science of which you are a mighty master, that attempts to fix the element of mind only increases its activity, and that to calculate what may be from what has been, is a very dangerous deceit. Were all the saltpetre in India monopolized, this would only make chemical researches more ardent and successful. The chalky earths would be searched for it, and nitre beds would be made in every cellar and every stable. Did not that

prove sufficient the genius of chemistry would find in a new salt a substitute for nitre or a power superior to it.* It requires greater genius than Mr. Pitt seems to possess, to know the wonderful resources of mind, when patriotism animates philosophy and all the arts and sciences are put under a state of requisition, when the attention of a whole scientific people is bent on multiplying the means and instruments of defence and destruction, and when philosophy rises in mass to drive on the wedge of war. A black powder has changed the military art, and in a great degree the manners of mankind. Why may not the same science which produced it, produce another powder which inflamed under a certain compression, might impel the air, so as to shake down the strongest towers, and scatter destruction.

But you are going to a country of Science that is turned to better uses. Your change of place will give room for the matchless activity of your genius; and you will take a sublime pleasure in bestowing on Britain the benefit of your future Discoveries. As matter changes its form, but not a particle is ever lost, so the principles of virtuous minds are equally imperishable; and your change of situation may even render truth more operative, Knowledge more productive; and in the event, Liberty itself more universal. Wasted by the winds or tost by the waves, the seed that is here thrown out as dead, there shoots up and flourishes. It is probable that emigration

* Mr. Berthollet discovered that oxygenated muriatic gas, received in a ley of caustic pot-ash, forms a crystallizable neutral which detonates more strongly than nitre.

March 28, 1794.

to America, from the first settlement downward, has not only served the cause of General Liberty, but will eventually and circuitously serve it even in Britain. What mighty events have arisen from that gem which might have been supposed to be lost forever in the woods of America, but thrown upon the Bosom of Nature the Breath of God revived it, and the world has gathered its Fruits.

Even Ireland hath contributed her share to the liberties of America: and while purblind statesmen were happy to get rid of the stubborn Presbyterians of the North, they little thought that they were serving a good cause in another quarter.—Yes! the volunteers of Ireland still live—they live across the Atlantic. Let this idea animate us in our sufferings, and may the pure principles and genuine lustre of Freedom reflected from their coasts, penetrate into our cells and our dungeons.

Farewell—great and good man! great by your mental powers, by your multiplied literary labours, but greater still by those household virtues which form the only security for public conduct, by those mild and gentle qualities, which far from being adverse to, are most frequently attended with severe and inflexible patriotism, rising like an oak above a modest mansion—Farewell—but before you go, we beseech a portion of your parting prayer to the Author of good, for Archibald Hamilton Rowan, the pupil of Jebb, our brother now suffering imprisonment, and for all those who have suffered, and are about to suffer in the same cause—the cause of impartial and adequate representation—the cause of the constitution. Pray to the Best of Beings for Muir, Palmer, Skirving, Margarot, and Gerald, who

are now, or will shortly be crossing, like you, the bleak ocean, but to a barbarous land! pray that they may be animated with the same spirit which, in the days of their fathers, triumphed at the stake, and shone in the midst of flames! Melancholy, indeed, it is that the mildest and the most humane of all religions should have been so perverted as to hang or burn men in order to keep them of one faith.

It is equally melancholy, that the most deservedly extolled of civil constitutions, should recur to similar modes of coercion, and that hanging and burning are not now employed, principally, because measures apparently milder are considered as more effectual. Farewel! soon may you embrace your sons on the American shore, and Washington take you by the hand, and the shade of Franklin look down, with calm delight, on the first statesman of the age extending his protection to its first philosopher.

FINIS.

